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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3968

13 **Stephen Roger Raber**
14 **aka Steven Raber**
15 **580 Meadowlawn**
Saginaw, MI 48604

A C C U S A T I O N

16 **Pharmacist License No. RPH 39275**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about April 2, 1985, the Board of Pharmacy issued Pharmacist License Number
24 RPH 39275 to Stephen Roger Raber aka Steven Raber (Respondent). The Pharmacist License
25 expired on April 30, 2009, and has not been renewed.

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JURISDICTION

3. 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.

4. Section 4300 of the Code states in pertinent part:

"(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."

5. Section 4301 of the Code states:

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

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

"(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

1 "(l) The conviction of a crime substantially related to the qualifications, functions, and
2 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
4 substances or of a violation of the statutes of this state regulating controlled substances or
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
6 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
7 The board may inquire into the circumstances surrounding the commission of the crime, in order
8 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
9 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
10 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
11 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
12 of this provision. The board may take action when the time for appeal has elapsed, or the
13 judgment of conviction has been affirmed on appeal or when an order granting probation is made
14 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
15 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
16 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
17 indictment.

18 "(n) The revocation, suspension, or other discipline by another state of a license to practice
19 pharmacy, operate a pharmacy, or do any other act for which a license is required by this
20 chapter."

21 6. Section 125.3 of the Code states, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Crimes)

3 7. Respondent is subject to disciplinary action under section 4301 (f), (k), (l), and (j) in
4 that he was convicted of crimes substantially related to the practice of pharmacy. The
5 circumstances are as follows:

6 8. On or about October 9, 2008, in *United States of America v. Steven Raber*, he pled
7 guilty to a violation of 18 U.S.C. § 2252 A (a)(5) (possession of child pornography) and 21
8 U.S.C. (a)(1) (unlawful dispensing of a controlled substance) Respondent was sentenced to
9 imprisonment for a total term of 37 months.

10 SECOND CAUSE FOR DISCIPLINE

11 (Out-of-State Discipline)

12 9. Respondent is subject to disciplinary action under section 4301(n) in that he was
13 disciplined by the Michigan Board of Pharmacy. The circumstances are as follows:

14 10. On or about April 8, 2009, in *the Matter of Stephen Roger Raber*, RPH number 53-
15 02-025735 before the State of Michigan, Department of Community Health, Bureau of Health
16 Professions, Board of Pharmacy Disciplinary Subcommittee, Respondent's Pharmacist License
17 was suspended for a minimum of six months and one day. It was further ordered that
18 reinstatement of the license may not be sooner than 90 days prior to the end of the suspension and
19 he must meet the minimum requirements of reinstatement by clear and convincing evidence
20 before his license may be reinstated.

21 OTHER MATTERS

22 11. To determine the degree of penalty, if any to be imposed on Steven Roger Raber,
23 Complainant alleges that on December 23, 1992, in a prior disciplinary proceeding entitled In the
24 Matter of the Accusation Against: Stephen Roger Raber; Case No 1588, License No. RPH
25 39275, issued to Respondent Stephen Roger Raber was revoked; however, revocation was stayed
26 and the license retained by Stephen Roger Raber was placed on three years probation, with a
27 period of one hundred-twenty (120) days actual suspension. (A copy of the Decision in the prior
28 disciplinary proceeding, is attached hereto as Exhibit A.)

PRAYER

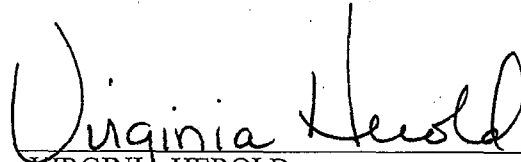
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 39275, issued to Stephen Roger Raber aka Steven Raber;

2. Ordering Stephen Roger Raber aka Steven Raber 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,

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

DATED: 5/27/11



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

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EXHIBIT A

Decision Board of Pharmacy Case No. 1588

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOEL S. PRIMES
Supervising Deputy Attorney General
3 CONSTANCE M. BARTON
Deputy Attorney General
4 1515 K Street, Suite 511
P. O. Box 944255
5 Sacramento, California 94244-2550
Telephone: (916) 324-5363

6 Attorneys for Complainant

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

11 In the Matter of the Accusation)
12 Against:)

No. 1588

13 STEPHEN ROGER RABER)
458 E. Shell Drake Circle)
14 Fresno, CA 93720-1229)
Licentiate No. RPH39275)

STIPULATION, DECISION
AND ORDER

15 Respondent.)
16

17 STEPHEN ROGER RABER (respondent) and complainant
18 Patricia Florian Harris, in her official capacity as Executive
19 Officer of the Board of Pharmacy, Department of Consumer Affairs,
20 through her attorney, Constance M. Barton, Deputy Attorney
21 General, stipulate as follows:

22 1. Accusation No. 1588 has been filed and served on
23 respondent by certified mail. Said accusation is incorporated
24 herein by reference as though fully set forth. Respondent is
25 registered as a pharmacist by the Board of Pharmacy, and is
26 subject to the jurisdiction of the Board regarding the matter
27 alleged in the accusation.

Complaint State Board of Pharmacy
BY: [Signature]
DATE: [Date]
OF THE STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

1 2. Respondent may retain counsel to discuss the
2 charges and allegations of violations of the Business and
3 Professions Code alleged in the Accusation. Respondent is aware
4 that under the Administrative Procedure Act and the laws and
5 regulations of the State of California, there is the right to
6 hearing and cross-examination, and the right to reconsideration,
7 judicial review and appeal of any adverse decision that might be
8 rendered following such a hearing. Respondent knowingly and
9 intelligently waives these rights, and waives filing a Notice of
10 Defense or request for hearing.

11 3. Respondent admits the allegations in the accusation
12 and that cause exists thereby to impose discipline upon his
13 license under Business and Professions Code section 4350.5
14 (hereafter the "code") for unprofessional conduct as follows:

15 PRESCRIPTION INCIDENTS

16 4. On or about April 1989 to on or about March 1991,
17 while working at Von's Pharmacy #187, at 3190 E. Tulare Avenue,
18 Fresno, California, respondent engaged in conduct described as
19 follows:

20 Respondent filled and dispensed prescriptions for AZT
21 and Acyclovir for an AIDS patient who could not pay for the
22 prescriptions. In order to reimburse Von's Pharmacy for the cost
23 of filling these prescriptions, respondent fraudulently billed
24 Prescription Health Services, Inc. (PHS) under the account number
25 and names of members of the Koogler family for various medica-
26 tions for which respondent forged prescriptions under the names
27 of several doctors. The Kooglers were enrolled in the Health

1 Plan of America (HPA) a health maintenance plan which contracted
2 with PHS to process prescriptions. The Kooglers were respon-
3 dent's neighbors and had not given respondent permission to
4 misuse or bill their health maintenance plan.

5 Respondent used the pharmacy's computer to process
6 fictitious prescriptions for various dangerous drugs. Respondent
7 also used the computer to process "refills" for prescriptions
8 originally dispensed to but not refilled by the Koogler family.

9 Respondent also dispensed dangerous drugs to other
10 individuals, some of whom were poor or could not speak English,
11 including Hmong and Hispanics.

12 Respondent forged prescriptions for Mevacor 20 mg,
13 Tolectin, Cytotec, Tagamet, Ceclor, Lomotil, Donnatal, Ceftin,
14 Penicillin VK, which are dangerous drugs within the meaning of
15 section 4211 of the Code.

16 5. As described in paragraph 4, respondent violated
17 subdivision (c) of section 4350.5 by engaging in conduct that was
18 immoral, dishonest, fraudulent, deceitful or corrupt in the
19 course of working as a pharmacist.

20 6. As described in paragraph 4, respondent violated
21 section 4351 by knowingly making or signing invoices submitted to
22 PHS for reimbursement for dangerous drugs which were not actually
23 dispensed.

24 7. As described in paragraph 4, respondent violated
25 section 4390 in that he signed the names of prescribers, or
26 falsely made, altered, forged, uttered, published, passed, or

27 ///

1 attempted to pass as genuine, numerous prescriptions for various
2 dangerous drugs.

3 8. As described in paragraph 4, respondent violated
4 section 4227 by furnishing dangerous drugs to various individuals
5 without a valid prescription.

6 SUBSCRIPTION INCIDENTS

7 9. On or about October 10, 1990, Mrs. Mae Bedrosian
8 went to Von's Pharmacy #187 located at 3190 E. Tulare Avenue,
9 Fresno, to arrange for a prescription to be transferred from
10 another pharmacy. Mrs. Bedrosian left Von's Pharmacy after
11 respondent who was the pharmacist in charge, spoke to her in a
12 disgusted voice and would not allow the pharmacy clerk to assist
13 her any further. On or about the next day, Mrs. Bedrosian
14 complained to the regional manager for Von's Pharmacies about
15 respondent's conduct toward her.

16 About two weeks later Mrs. Bedrosian started to receive
17 phone calls and various items in the mail which no one at her
18 home had requested. These items included pornography, magazines,
19 book orders, phone calls from insurance agents, funeral planning,
20 hotels, and a pledge for \$100. The requests and subscriptions
21 for these items were made by respondent either in his own
22 handwriting, and/or by manipulating the computer at Von's
23 Pharmacy #187, which contained a record of the Bedrosians' names,
24 address and telephone number, to generate labels which were
25 placed on various subscriptions, order forms or requests.

26 10. As described in paragraph 9, respondent violated
27 subdivision (c) of section 4350.5 by engaging in acts involving

1 moral turpitude, dishonesty, fraud, deceit, or corruption, during
2 his employment as a pharmacist in charge.

3 11. As described in paragraph 9, respondent violated
4 subdivision (a) of section 4350.5 by engaging in grossly immoral
5 conduct.

6 12. This Stipulation shall be subject to adoption by
7 the Board of Pharmacy. If the Board fails to adopt this
8 Stipulation, it shall have no force or effect for either party,
9 and the matter will be regularly set for hearing.

10 WHEREFORE, it is stipulated that the Board of Pharmacy
11 may issue the following order:

12 ORDER

13 Original Licentiate No. RPH 39275 issued to Stephen
14 Roger Raber is hereby revoked; however, execution of this order
15 of revocation shall be stayed and respondent placed on probation
16 for three years upon the following terms and conditions:

17 1. As part of probation, respondent is suspended from
18 the practice of pharmacy for 120 days beginning on the effective
19 date of this decision.

20 During said suspension, respondent shall not enter
21 any pharmacy prescription area or any portion of the licensed
22 premises of a wholesaler, manufacturer or any other distributor
23 of drugs which is licensed by the Board and where dangerous drugs
24 or controlled substances are maintained. Respondent shall not
25 practice pharmacy or do any act involving drug selection,
26 selection of stock, manufacturing, compounding, dispensing or
27 patient consultation; nor shall respondent manage, administer, be

1 a consultant to or have access to or control over the ordering,
2 manufacturing or dispensation of dangerous drugs or controlled
3 substances for anyone or any entity licensed by the Board.

4 2. Within 60 days of the effective date of this
5 decision, respondent shall submit to the Board, for its prior
6 approval, a community service program in which respondent shall
7 provide free health-care related services on a regular basis to a
8 community or charitable facility or agency for at least 100 hours
9 over the first two years of probation.

10 3. Respondent shall pay to the Board its costs of
11 investigation and prosecution in the amount of \$3,000.00.
12 Respondent shall make said payment in full on or before the
13 effective date of this decision. Should any part of cost
14 recovery not be paid, probation shall be extended for the same
15 amount of time of any late payment, from the effective date until
16 said amount is paid in full.

17 4. Obey All Laws: Respondent shall obey all federal,
18 state and local laws, and all rules and regulations substantially
19 related to the practice of pharmacy.

20 5. Reporting to the Board: Respondent shall report to
21 the Board or its designee quarterly. Said report shall be either
22 in person or in writing, as directed. Should the final probation
23 report not be made as directed, the period of probation shall be
24 extended until such time as the final report is made.

25 6. Peer Review: Respondent shall submit to peer
26 review as deemed necessary by the Board.

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1 7. Continuing Education: Respondent shall provide
2 evidence of efforts to maintain skill and knowledge as a
3 pharmacist as directed by the Board.

4 8. Notice to Employers: Respondent shall notify all
5 present and prospective employers of this decision and order,
6 and the terms, conditions and restrictions imposed on respondent
7 by the decision and order.

8 Within 30 days of the effective date of this
9 decision, and within 15 days of respondent undertaking new
10 employment, respondent shall cause his or her employer to report
11 to the Board in writing acknowledging that the employer has read
12 the decision and order.

13 Should respondent work for or be employed by or
14 through a pharmacy employment service, it shall be the obligation
15 of the respondent to ensure that the pharmacy at which he or she
16 is to be employed or used is informed of the fact and terms of
17 this disciplinary order in advance of the respondent commencing
18 work at the pharmacy.

19 "Employment" within the meaning of this provision
20 shall include any full-time, part-time, temporary or relief
21 service as a pharmacist, whether the respondent is considered an
22 employee or independent contractor.

23 9. No Preceptorships, Supervision or Being Pharmacist-
24 in-Charge: Respondent shall not supervise any registered intern
25 or technician and shall not perform any of the duties of a
26 preceptor, nor shall respondent be the pharmacist-in-charge of
27 any pharmacy licensed by the Board.

1 10. Tolling of Probation: Should Respondent leave
2 California to reside or practice outside of the State, Respondent
3 must notify the Board in writing of the dates of departure and
4 return. Periods of residency outside of the State shall not
5 apply to the reduction of this probationary term.

6 11. Status of License: Respondent shall, at all times
7 while on probation, maintain an active, current license with the
8 Board. Should respondent's certificate, by operation of law, or
9 otherwise, expire, upon renewal or reinstatement respondent's
10 certificate shall be subject to any and all terms of this
11 probation not previously satisfied.

12 12. Comply With Probation: Respondent shall fully and
13 completely comply with the probation program established by the
14 Board and cooperate with representatives of the Board.

15 13. Violation of Probation: Should Respondent violate
16 probation in any respect, the Board, after giving Respondent
17 notice and the opportunity to be heard, may revoke probation and
18 carry out the disciplinary order that was stayed. If a petition
19 to revoke probation or vacate stay is filed against Respondent
20 during probation, the Board shall have continuing jurisdiction
21 until the matter is final, and the period of probation shall be
22 extended until the matter is final.

23 14. Supplemental Accusation: If during the period of
24 probation, an accusation is filed against Respondent's license or
25 the Attorney General's Office is requested to prepare an
26 accusation against Respondent's license, such period shall

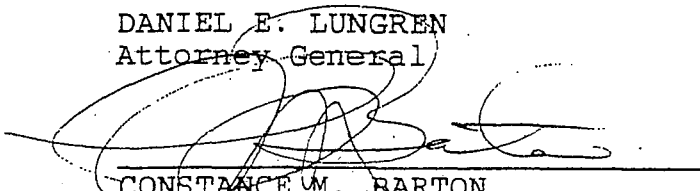
27 ///

1 automatically be extended and shall not expire until the
2 accusation is acted upon by the Board.

3 15. Completion of Probation: Upon successful
4 completion of probation, Respondent's license will be fully
5 restored.

DANIEL E. LUNGREN
Attorney General

7 DATED: 7-14-92

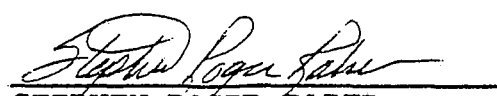


8 CONSTANCE M. BARTON
9 Deputy Attorney General

10 Attorneys for Complainant

11 I have read this Stipulation, Decision and Order in its
12 entirety, and know that I may consult with an attorney regarding
13 its contents. I understand I have the right to a hearing on the
14 charges contained in the accusation, cross-examine witnesses, and
15 introduce evidence in mitigation, as well as the right to
16 reconsideration, judicial review and appeal of any adverse
17 decision. I knowingly and intelligently waive all of these
18 rights, and understand that by signing this stipulation, I am
19 permitting the Board of Pharmacy to impose discipline against my
20 pharmacy permit and certificate of licensure as a registered
21 pharmacist. I understand the legal significance and consequences
22 thereof; and I fully understand all of, and agree to be bound by
23 the terms of said Stipulation, Decision and Order.

24 DATED: 6/29/92



25 STEPHEN ROGER RABER
26 Respondent

27 03583-110
SA91AD0699

ACCEPTANCE

The foregoing stipulation is accepted by the California State Board of Pharmacy and shall constitute its decision in this matter.

This Decision shall become effective on December 23, 1992 .

IT IS SO ORDERED November 23, 1992 .

BOARD OF PHARMACY
STATE OF CALIFORNIA

By Stephen E. Dibble
STEPHEN DIBBLE
Board President

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOEL S. PRIMES
Supervising Deputy Attorney General
3 CONSTANCE M. BARTON
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4 1515 K Street, Suite 511
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7 Attorneys for Complainant

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

12 In the Matter of the Accusation) No. 1588
13 Against:)
14 STEPHEN ROGER RABER) ACCUSATION
458 E. Shelldrake Circle)
15 Fresno, CA 93720-1229)
Licentiate No. RPH39275)
16
17 Respondent.)

18
19 Patricia F. Harris, the complainant herein, alleges as
20 follows:

21 1. She is the Executive Officer of the Board of
22 Pharmacy of the State of California (hereinafter "the Board") and
23 makes and files this accusation solely in her official capacity
24 as such and not otherwise.

25
26 2. On or about April 2, 1985, respondent Stephen Roger
27 Raber was issued licentiate number RPH39275 to practice pharmacy

1 under the laws of the State of California. At all times herein
2 said license was in full force and effect and will expire on
3 April 30, 1993, unless renewed.

4
5 3. Sections 4350 and 4359 of the Business and
6 Professions Code (hereinafter the "Code") provide that the Board
7 may take disciplinary action against a licensee in the manner set
8 forth in said sections.

9
10 4. Section 4350.5 of the Code^{1/} provides, in pertinent
11 part, that the Board shall take action against any holder of a
12 certificate or license who is guilty of unprofessional conduct.
13 Said section further provides that unprofessional conduct shall
14 include, but is not limited to, violating or attempting to
15 violate, directly or indirectly, or assisting in or abetting the
16 violation of any provision or term of Chapter 9 of Division 2 of
17 said Code or the applicable federal or state laws and regulations
18 governing pharmacy, including regulations established by the
19 Board.

20 PRESCRIPTION INCIDENTS

21 5. Respondent has admitted that from on or about April
22 1989 to on or about March 1991, while working at Von's Pharmacy
23 #187, at 3190 E. Tulare Avenue, Fresno, California, he engaged in
24 conduct described as follows:

25 Respondent filled and dispensed prescriptions for AZT
26

27 ^{1/} All citations are to the Business and Professions Code
unless stated otherwise.

1 and Acyclovir for an AIDS patient who could not pay for the
2 prescriptions. In order to reimburse Von's Pharmacy for the cost
3 of filling these prescriptions, respondent fraudulently billed
4 Prescription Health Services, Inc. (PHS) under the account number
5 and names of members of the Koogler family for various
6 medications for which respondent forged prescriptions under the
7 names of several doctors. The Kooglers were enrolled in the
8 Health Plan of America (HPA) a health maintenance plan which
9 contracted with PHS to process prescriptions. The Kooglers were
10 respondent's neighbors and had not given respondent permission to
11 misuse or bill their health maintenance plan.

12 Respondent used the pharmacy's computer to process
13 fictitious prescriptions for various dangerous drugs. Respondent
14 also used the computer to process "refills" for prescriptions
15 originally dispensed to but not refilled by the Koogler family.

16 Respondent also dispensed dangerous drugs to other
17 individuals, some of whom were poor or could not speak English,
18 including Hmong and Hispanics.

19 Respondent forged prescriptions for Mevacor 20 mg,
20 Tolectin, Cytotec, Tagamet, Ceclor, Lomotil, Donnatal, Ceftin,
21 Penicillin VK, which are dangerous drugs within the meaning of
22 section 4211 of the Code.

23
24 6. Respondent is subject to discipline for
25 unprofessional conduct within the meaning of section 4350.5 of
26 the Code in that, as described in paragraph 5, he violated
27 subdivision (c) of section 4350.5 by engaging in conduct that was

1 immoral, dishonest, fraudulent, deceitful or corrupt in the
2 course of working as a pharmacist.

3
4 7. Respondent is subject to discipline for
5 unprofessional conduct within the meaning of section 4350.5 of
6 the Code in that, as described in paragraph 5, he violated
7 section 4351 by knowingly making or signing invoices submitted to
8 PHS for reimbursement for dangerous drugs which were not actually
9 dispensed.

10
11 8. Respondent is subject to discipline for
12 unprofessional conduct within the meaning of section 4350.5 of
13 the Code in that, as described in paragraph 5, he violated
14 section 4390 in that he signed the names of prescribers, or
15 falsely made, altered, forged, uttered, published, passed, or
16 attempted to pass as genuine, numerous prescriptions for various
17 dangerous drugs.

18
19 9. Respondent is subject to discipline for
20 unprofessional conduct within the meaning of section 4350.5 in
21 that, as described in paragraph 5, he violated section 4227 by
22 furnishing dangerous drugs to various individuals without a valid
23 prescription.

24 SUBSCRIPTION INCIDENTS

25 10. On or about October 10, 1990, Mrs. Mae Bedrosian
26 went to Von's Pharmacy #187 located at 3190 E. Tulare Avenue,
27 Fresno, to arrange for a prescription to be transferred from

1 another pharmacy. Mrs. Bedrosian left Von's Pharmacy after
2 respondent who was the pharmacist in charge, spoke to her in a
3 disgusted voice and would not allow the pharmacy clerk to assist
4 her any further. On or about the next day, Mrs. Bedrosian
5 complained to the regional manager for Von's Pharmacies about
6 respondent's conduct toward her.

7 About two weeks later Mrs. Bedrosian started to receive
8 phone calls and various items in the mail which no one at her
9 home had requested. These items included pornography, magazines,
10 book orders, phone calls from insurance agents, funeral planning,
11 hotels, and a pledge for \$100. The requests and subscriptions
12 for these items were made by respondent either in his own
13 handwriting, and/or by manipulating the computer at Von's
14 Pharmacy #187, which contained a record of the Bedrosian's names,
15 address and telephone number, to generate labels which were
16 placed on various subscriptions, order forms or requests.

17
18 11. Respondent is subject to discipline for
19 unprofessional conduct within the meaning of section 4350.5 in
20 that, as described in paragraph 10, respondent violated
21 subdivision (c) of section 4350.5 by engaging in acts involving
22 moral turpitude, dishonesty, fraud, deceit, or corruption, during
23 his employment as a pharmacist in charge.

24
25 12. Respondent is subject to discipline for
26 unprofessional conduct within the meaning of section 4350.5 in
27 that, as described in paragraph 10, respondent violated

1 subdivision (a) of section 4350.5 by engaging in grossly immoral
2 conduct.

3

4 13. Section 4367 of the Code provides, in pertinent
5 part, that any person whose license, permit or registration has
6 been revoked or is under suspension, or has been placed on
7 probation, and while acting as such member, officer, director,
8 associate, or partner had knowledge of or knowingly participated
9 in any conduct for which the license, permit or registration was
10 revoked, suspended or placed on probation, shall be prohibited
11 from serving as an officer, director, associate or partner of a
12 licensee, permittee or registrant.

13

14 14. Pursuant to the provisions of section 4367 of the
15 Code, in the event that the license issued to respondent Stephen
16 Roger Raber is suspended, revoked or placed on probation, said
17 respondent Stephen Roger Raber shall be prohibited from serving
18 as an officer, director, associate or partner of any licensee,
19 permittee or registrant in that said respondent had knowledge of
20 or knowingly participated in the acts or omissions alleged
21 herein.

22

23 15. Section 4366 provides that in any order issued in
24 resolution of a disciplinary proceeding before the Board, the
25 Board may request the administrative law judge to direct any
26 licensee found guilty of a charge involving a significant
27 violation of section 4350.5 which is also a violation of section

1 4227, 4232, or 4390 or section 11153 of the Health and Safety
2 Code to pay to the Board a sum not to exceed the reasonable cost
3 of the investigation and prosecution of the case and, in any
4 case, not to exceed \$25,000.

5 NOTICE IS HEREBY GIVEN to Stephen Roger Raber that the
6 Board hereby requests the administrative law judge to direct that
7 if respondent is found guilty of a charge involving a significant
8 violation of section 4350.5 of the Code which is also a violation
9 of section 4227, 4232 or 4390 of the Code or Health and Safety
10 Code section 11153 to pay to the Board a sum not to exceed the
11 reasonable cost of investigation and prosecution of the case and
12 not to exceed \$25,000.

13 WHEREFORE, complainant prays that the Board of Pharmacy
14 hold a hearing on the matters alleged herein and following said
15 hearing issue a decision:

- 16 1. Suspending or revoking the license number RPH39275
17 to practice pharmacy issued to respondent Stephen Roger Raber;
- 18 2. Prohibiting Stephen Roger Raber from serving as an
19 officer, director, associate or partner of any licensee,
20 permittee or registrant;
- 21 3. Requiring respondent Stephen Roger Raber to pay the
22 Board the cost of investigation and prosecution in an amount
23 according to proof, but not to exceed \$25,000; and

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4. Taking such other and further action as may be proper.

DATED: 2/7/92

P. F. Harris
PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California

Complainant