

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 MALISSA N. SIEMANTEL
Deputy Attorney General
4 State Bar No. 240157
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-7855
Facsimile: (916) 324-5567
7 *Attorneys for Complainant*

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

10
11 In the Matter of the Statement of Issues
Against:

Case No. 5571

12 **RICHARD STIEFEL**

STATEMENT OF ISSUES

13 **Designated Representative Applicant**

14 Respondent.
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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about August 13, 2014, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for a Designated Representative license from Richard Stiefel
24 ("Respondent"). On or about July 11, 2014, Richard Stiefel certified under penalty of perjury to
25 the truthfulness of all statements, answers, and representations in the application. The Board
26 denied the application on May 29, 2015.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board of Pharmacy ("Board"),
3 Department of Consumer Affairs, under the authority of the following laws. All section references
4 are to the Business and Professions Code unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code states:

7 (a) A board may deny a license regulated by this code on the grounds that the
8 applicant has one of the following:

9 (1) Been convicted of a crime. A conviction within the meaning of this section
10 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
11 Any action that a board is permitted to take following the establishment of a
12 conviction may be taken when the time for appeal has elapsed, or the judgment of
13 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 the
15 provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

16 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
17 substantially benefit himself or herself or another, or substantially injure another.

18 (3) (A) Done any act that if done by a licentiate of the business or profession in
19 question, would be grounds for suspension or revocation of license.

20 (B) The board may deny a license pursuant to this subdivision only if the crime or act
21 is substantially related to the qualifications, functions, or duties of the business or
22 profession for which application is made.

23 (b) Notwithstanding any other provision of this code, a person shall not be denied a
24 license solely on the basis that he or she has been convicted of a felony if he or she
25 has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with
26 Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
27 convicted of a misdemeanor if he or she has met all applicable requirements of the
28 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a
person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a
license solely on the basis of a conviction that has been dismissed pursuant to
Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a
conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41
of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the
applicant knowingly made a false statement of fact that is required to be revealed in
the application for the license.

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1 violating Florida Statute section 893.13(1)(a), felonies. The circumstances are that on or about
2 February 25, 1999, Respondent possessed with the intent to sell, manufacture or deliver a
3 controlled substance, to wit: Flunitrazepam. Respondent possessed 30 pills of Flunitrazepam,
4 which is also known as Rohypnol, in his vehicle and 10 pills of Flunitrazepam in his bedroom.

5 **SECOND CAUSE FOR DENIAL OF APPLICATION**

6 **(Committed Acts Which If Done By A Licentiate - Violation of Controlled Substances Law)**

7 8. Respondent's application is subject to denial under Code section 480(a)(3)(A) in
8 conjunction with Code section 4301(j), in that Respondent committed acts which if done by a
9 licentiate of the profession would constitute grounds for discipline under Code section 4301(j)
10 (violation of any of the statutes of this state, of any other state, or of the United States regulating
11 controlled substances and dangerous drugs), as set forth above in paragraph 7.

12 **THIRD CAUSE FOR DENIAL OF APPLICATION**

13 **(Committed Acts Which If Done By A Licentiate - Conviction of Crimes)**

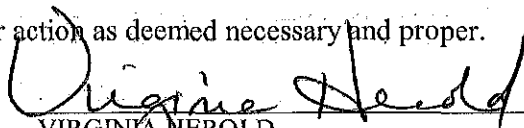
14 9. Respondent's application is subject to denial under Code section 480(a)(3)(A) in
15 conjunction with Code section 4301(l), in that Respondent committed acts which if done by a
16 licentiate of the profession would constitute grounds for discipline under Code section 4301(l)
17 (conviction of a crime substantially related to the qualifications, functions and duties of a licensee),
18 as set forth above in paragraph 7.

19 **PRAYER**

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

- 22 1. Denying the application of Richard Stiefel for a Designated Representative license;
23 2. Taking such other and further action as deemed necessary and proper.

24 DATED: 12/21/15


25 VIRGINIA NEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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