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

12 In the Matter of the Accusation Against:

13 **DAVID WAYNE STEEN**  
14 1796 Palisades Dr.  
15 Pacific Palisades, CA 90272

16 Pharmacy Technician Registration No. TCH 64086

17 Respondent.

Case No. 4805

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about May 8, 2014, Complainant Virginia K. Herold, in her official capacity as  
20 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
21 Accusation No. 4805 against David Wayne Steen (Respondent) before the Board of Pharmacy.  
22 (Accusation attached as Exhibit A.)

23 2. On or about August 10, 2005, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician Registration No. TCH 64086 to Respondent. The Pharmacy Technician Registration  
25 was in full force and effect at all times relevant to the charges brought in Accusation No. 4805,  
26 expired on November 30, 2014, and has not been renewed.

27 3. On or about June 2, 2014, Respondent was served by Certified and First Class Mail  
28 copies of the Accusation No. 4805, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)  
2 at Respondent's address of record which, pursuant to Business and Professions Code section  
3 4100, is required to be reported and maintained with the Board. Respondent's address of record  
4 was and is: 1796 Palisades Dr., Pacific Palisades, CA 90272.

5 4. Service of the Accusation was effective as a matter of law under the provisions of  
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
7 124.

8 5. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
10 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
11 of the accusation not expressly admitted. Failure to file a notice of defense shall  
12 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
13 may nevertheless grant a hearing.

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon him  
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
16 4805.

17 7. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the  
19 hearing, the agency may take action based upon the respondent's express admissions  
20 or upon other evidence and affidavits may be used as evidence without any notice to  
21 respondent.

22 8. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
26 file at the Board's offices regarding the allegations contained in Accusation No. 4805, finds that  
27 the charges and allegations in Accusation No. 4805, are separately and severally, found to be true  
28 and correct by clear and convincing evidence.

9. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement is \$3,450.00 as of January 16, 2015.

**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent David Wayne Steen has subjected his Pharmacy Technician Registration No. TCH 64086 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.

(a) Business and Professions Code sections 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that, Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a pharmacy technician as follows: On or about February 8, 2013, Respondent was convicted of one misdemeanor count of violating Penal code section 242-243, subdivision (E)(1) [battery] in the criminal proceeding entitled *The People of the State of California v. David Wayne Steen* (Super. Ct. Los Angeles County, 2013, No. 2WA02484.)

(b) Business and Professions Code section 4301, subdivision (f), in that Respondent committed an act involving moral turpitude (battery on spouse) with the intent to substantially injure another.

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**ORDER**

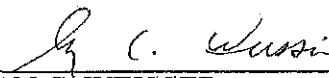
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 64086, heretofore issued to Respondent David Wayne Steen, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 10, 2015.

It is so ORDERED March 11, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
STAN C. WEISSER  
Board President

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DOJ Matter ID: LA2013510000

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

# Exhibit A

Accusation

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7 *Attorneys for Complainant*

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

Case No. 4805

12 In the Matter of the Accusation Against:

**A C C U S A T I O N**

13 **DAVID WAYNE STEEN**  
1796 Palisades Dr.  
14 Pacific Palisades, CA 90272

15 Pharmacy Technician Registration  
16 No. TCH 64086

Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about August 10, 2005, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician Registration No. TCH 64086 to David Wayne Steen (Respondent). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on November 30, 2014, unless renewed.

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1       7.    Section 4301 states, in pertinent part:

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

5       ....

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

9       ....

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

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28    ///

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states:

3 "For the purpose of denial, suspension, or revocation of a personal or facility license  
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
7 licensee or registrant to perform the functions authorized by his license or registration in a manner  
8 consistent with the public health, safety, or welfare."

9 **COST RECOVERY**

10 9. Section 125.3 states, in pertinent part, that the Board may request the administrative  
11 law judge to direct a licensee found to have committed a violation or violations of the licensing  
12 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
13 case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Conviction of a Substantially Related Crime)**

16 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
17 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,  
18 Respondent was convicted of a crime substantially related to the qualifications, functions or duties  
19 of a pharmacy technician as follows:

20 a. On or about February 8, 2013, after pleading nolo contendere, Respondent was  
21 convicted of one misdemeanor count of violating Penal code section 242-243, subdivision (E)(1)  
22 [battery] in the criminal proceeding entitled *The People of the State of California v. David Wayne*  
23 *Steen* (Super. Ct. Los Angeles County, 2013, No. 2WA02484.) The Court sentenced Respondent  
24 to serve 30 days in Los Angeles County Jail and placed him on 36 months probation, with terms  
25 and conditions.

26 b. The circumstances surrounding the conviction are that on or about August 7, 2012,  
27 Respondent, while under the influence of alcohol, physically assaulted his wife after she refused to  
28 watch a television show with him. While informing officers from the Los Angeles Police

1 Department about the circumstances surrounding the incident, Respondent's wife told the  
2 investigating officers that Respondent, who was very intoxicated at the time, had become very  
3 angry and proceeded to grab her by the left wrist and throw her to the floor, causing extreme pain  
4 to her left shoulder and her left wrist to go numb. Respondent's wife further stated that  
5 Respondent then jumped on top of her and began to slap her with an open hand. According to  
6 Respondent's wife, Respondent then grabbed the lid to a container of facial crème she was using at  
7 the time and began to hit and scrape her with it about the face. The incident caused Respondent's  
8 wife to sustain a fractured left wrist, and abrasions and contusions to her face and neck.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Act Involving Moral Turpitude)**

11 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that  
12 Respondent committed an act involving moral turpitude (battery on spouse) with the intent to  
13 substantially injure another. Complainant refers to, and by reference incorporates, the allegations  
14 set forth above in paragraph 10, subparagraphs (a) and (b), inclusive, as though set forth fully.

15 **PRAYER**

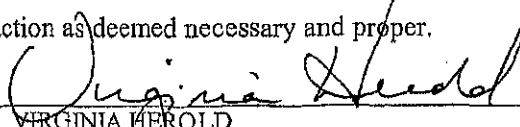
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board issue a decision:

18 1. Revoking or suspending Pharmacy Technician Registration No. TCH 64086, issued to  
19 David Wayne Steen;

20 2. Ordering David Wayne Steen to pay the Board the reasonable costs of the  
21 investigation and enforcement of this case, pursuant to section 125.3; and

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

23 DATED: 5/8/14

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