

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

In the Matter of the Statement of Issues  
Against:

**RICHARD STIEFEL**

**Designated Representative Applicant**

Respondent.

Case No. 5571

OAH No. 2016040919

**DECISION AND ORDER**

The attached Stipulated Settlement and Order for Letter of Admonishment is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on September 23, 2016.

It is so ORDERED on August 24, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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  
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Facsimile: (916) 324-5567  
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues Against:	Case No. 5571
12 <b>RICHARD STIEFEL</b>	<b>STIPULATED SETTLEMENT AND</b>
13 <b>Designated Representative Applicant</b>	<b>ORDER FOR LETTER OF</b>
	<b>ADMONISHMENT</b>
14 Respondent.	<b>[Bus. &amp; Prof. Code § 4315]</b>

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16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. VIRGINIA HEROLD (Complainant) is the Executive Officer of the Board of  
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
22 by Kamala D. Harris, Attorney General of the State of California, by Malissa N. Siemantel,  
23 Deputy Attorney General.

24 2. Respondent Richard Stiefel (Respondent) is represented in this proceeding by  
25 attorneys Tony J. Park and Ivan Petrzela, whose address is: 2855 Michelle Drive, Ste. 180,  
26 Irvine, CA 92606.

27 3. On or about August 13, 2014, the Board of Pharmacy (Board) received Respondent's  
28 Application for a Designated Representative License. On or about May 29, 2015, the Board

1 denied Respondent's application for a designated representative license. On or about July 27,  
2 2015, Respondent requested a hearing appealing the denial of his application.

3 **JURISDICTION**

4 4. Statement of Issues No. 5571 was filed before the Board of Pharmacy (Board),  
5 Department of Consumer Affairs and is currently pending against Respondent. The Statement of  
6 Issues and all other statutorily required documents were properly served on Respondent on  
7 January 6, 2016. Respondent timely filed his request for appeal contesting the Statement of  
8 Issues. A copy of Statement of Issues No. 5571 is attached as Exhibit A and incorporated herein  
9 by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the  
12 allegations in Statement of Issues No. 5571. Respondent has also carefully read, fully discussed  
13 with counsel, and understands the effects of this Stipulated Settlement and Order for Letter of  
14 Admonishment.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the allegations in the Statement of Issues; the right to be represented by counsel at his  
17 own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act, California Business and Professions Code section 4315 and other  
22 applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24 every right set forth above.

25 8. Respondent agrees that upon issuance of his Designated Representative license,  
26 Respondent shall receive a Letter of Admonishment as set forth below.

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CONTINGENCY

1  
2 9. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
4 communicate directly with the Board regarding this stipulation and settlement, without notice to  
5 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
6 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
7 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
8 as its Decision and Order, the Stipulated Settlement and Order for Letter of Admonishment shall  
9 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
10 between the parties, and the Board shall not be disqualified from further action by having  
11 considered this matter.

12 10. The parties understand and agree that Portable Document Format (PDF) and facsimile  
13 copies of this Stipulated Settlement and Order for Letter of Admonishment, including Portable  
14 Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as  
15 the originals.

16 11. This Stipulated Settlement and Order for Letter of Admonishment is intended by the  
17 parties to be an integrated writing representing the complete, final, and exclusive embodiment of  
18 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,  
19 discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and  
20 Order for Letter of Admonishment may not be altered, amended, modified, supplemented, or  
21 otherwise changed except by a writing executed by an authorized representative of each of the  
22 parties.

23 12. In consideration of the foregoing admissions and stipulations, the parties agree that  
24 the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

26 IT IS HEREBY ORDERED that upon meeting all qualifications and completion of all  
27 requirements for licensure, a Designated Representative license shall issue to Respondent Richard  
28 Stiefel. Upon issuance of the Designated Representative license, Respondent Richard Stiefel

1 (Respondent) shall, by way of letter from the Board's Executive Officer, receive a letter of  
2 admonishment. The letter shall be in substantially the same form as the letter attached as Exhibit  
3 B to this stipulation.

4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Order for Letter of  
6 Admonishment and have fully discussed it with my attorney, Ivan Petrzelka. I understand the  
7 stipulation and the effect it will have on my Designated Representative license. I enter into this  
8 Stipulated Settlement and Order for Letter of Admonishment voluntarily, knowingly, and  
9 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

10  
11 DATED: 7/12/16 

12 RICHARD STIEFEL  
Respondent

13 I have read and fully discussed with Respondent Richard Stiefel the terms and conditions  
14 and other matters contained in the above Stipulated Settlement and Order for Letter of  
15 Admonishment. I approve its form and content.

16  
17 DATED: \_\_\_\_\_

18 TONY J. PARK  
Attorney for Respondent

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2 admonishment. The letter shall be in substantially the same form as the letter attached as Exhibit  
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6 Admonishment and have fully discussed it with my attorney, Ivan Petrzelka. I understand the  
7 stipulation and the effect it will have on my Designated Representative license. I enter into this  
8 Stipulated Settlement and Order for Letter of Admonishment voluntarily, knowingly, and  
9 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

10  
11 DATED: \_\_\_\_\_

12 RICHARD STIEFEL  
Respondent

13 I have read and fully discussed with Respondent Richard Stiefel the terms and conditions  
14 and other matters contained in the above Stipulated Settlement and Order for Letter of  
15 Admonishment. I approve its form and content.

16  
17 DATED: 07/12/2016

18 Tony J. Park  
TONY J. PARK  
Attorney for Respondent

19 ///

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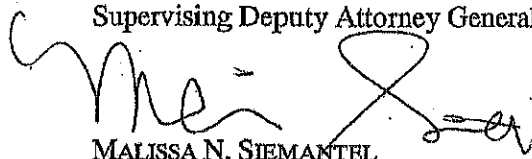
**ENDORSEMENT**

The foregoing Stipulated Settlement and Order for Letter of Admonishment is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 7/12/16

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General



MALISSA N. SIEMANTELL  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 5571**



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  
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6 Telephone: (916) 327-7855  
Facsimile: (916) 324-5567  
7 Attorneys for Complainant

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

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.**

15  
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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  
conviction has been affirmed on appeal, or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under the  
provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

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

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

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

18 (b) Notwithstanding any other provision of this code, a person shall not be denied a  
19 license solely on the basis that he or she has been convicted of a felony if he or she  
20 has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with  
21 Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been  
convicted of a misdemeanor if he or she has met all applicable requirements of the  
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.

22 (c) Notwithstanding any other provisions of this code, a person shall not be denied a  
23 license solely on the basis of a conviction that has been dismissed pursuant to  
24 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.

25 (d) A board may deny a license regulated by this code on the ground that the  
26 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 5. Section 4301 of the Code states:

2 The board shall take action against any holder of a license who is guilty of  
3 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:

4 ...  
5  
6 (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.

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

18 ...  
19 6. California Code of Regulations, title 16, section 1770, states:

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

24 **FIRST CAUSE FOR DENIAL OF APPLICATION**

25 **(Conviction of Crimes)**

26 7. Respondent's application is subject to denial under Code section 480(a)(1) in that on  
27 or about March 25, 1999, in a criminal proceeding entitled *The State of Florida v. Richard Stiefel*  
28 in Dade County, State of Florida, Case Number 99-6963, Respondent pled guilty to two counts of

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: 12/2/15

*Virginia Merold*  
25 VIRGINIA MEROLD  
Executive Officer  
26 Board of Pharmacy  
Department of Consumer Affairs  
27 State of California  
Complainant

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**Exhibit B**

**Letter of Admonishment in Case No. 5571**

Date: \_\_\_\_\_

Richard Stiefel  
120 Research Drive  
Columbia, SC 29203

Richard Stiefel  
3900 William Dehaes Dr., #2159  
Irving, TX 75038

Re: LETTER OF ADMONISHMENT  
In the Matter of the Statement of Issues Against:  
Richard Stiefel, Designated Representative Applicant  
Case No. 5571

Dear Mr. Stiefel:

This Letter of Admonishment is being issued pursuant to Business and Professions Code section 4315 for failure to comply with the laws and regulations that govern the practice of pharmacy in California. (For exact language refer to the California Pharmacy Law and Index, located on the board's website at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov), under Forms and Publications.)

The Board of Pharmacy has completed its investigation in the above referenced matter. All documentation and/or statements relating to the investigation have been accepted and included in an Investigation Report on file in this office. Facts contained in this report lead to the conclusion that the following violations of pharmacy laws or regulations have occurred:

Business and Professions Code section 4301(j), violation of a controlled substances law; and Section 4301(l), conviction of a crime substantially related to the qualifications, functions and duties of a licensee. On March 25, 1999, you pled guilty to two counts of Florida Statute section 893.13(1)(a), felonies. The circumstances of the crime were that on or about February 25, 1999, you possessed with the intent to sell, manufacture or deliver a controlled substance, to wit: Flunitrazepam. Specifically, you possessed 30 pills of Flunitrazepam, which is also known as Rohypnol, in your vehicle and 10 pills of Flunitrazepam in your bedroom.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 4315, the Board of Pharmacy, Department of Consumer Affairs issues this letter of admonishment. Respondent agrees that his Designated Representative license is subject to this Letter of Admonishment.

Unless you receive other instructions from the Board in writing, Pharmacy Law requires that you maintain and have readily available for inspection, a copy of this Letter of Admonishment for at least three years from the date of issuance at the top of this letter. The

Letter of Admonishment will be considered a public record for purposes of disclosure for three years from issuance.

Sincerely,

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs