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of the State of California  
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3 California Department of Justice  
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4 Los Angeles, CA 90013  
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**ORIGINAL**

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2875

12 CRAIG BARRY PIVO,

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

13 Original Pharmacist License No. RPH 41834,

14 Respondent.

15 In the interest of a prompt and speedy resolution of this matter, consistent with the  
16 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer  
17 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which  
18 will be submitted to the Board for approval and adoption as the final disposition of the  
19 Accusation.

20 PARTIES

21 1. Patricia F. Harris (Complainant), Executive Officer of the Board of  
22 Pharmacy, has brought this action solely in her official capacity and is represented in this matter  
23 by Bill Lockyer, Attorney General of the State of California, by Susan Melton Wilson, Deputy  
24 Attorney General.

25 2. CRAIG BARRY PIVO (Respondent) is represented by Law Offices of  
26 Bonne, Bridges, Mueller, O'Keefe & Nichols, by Peter R. Osinoff, Attorney at Law.

27 3. On or about August 2, 1988, the Board of Pharmacy issued Original  
28 Pharmacist License No. RPH 41834 to Craig Barry Pivo (Respondent). The Original Pharmacist

1 License was in full force and effect at all times relevant to the charges brought herein. The  
2 license expired on December 31, 2005 and has not been renewed.

3 ADVISEMENT AND WAIVERS

4 4. Respondent has carefully read, and understands the charges and allegations  
5 in Accusation No. 2875. Respondent also has carefully read, and understands the effects of this  
6 Stipulated Surrender of License and Order.

7 5. Respondent is fully aware of his legal rights in this matter, including the  
8 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
9 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;  
10 the right to present evidence and to testify on his own behalf; the right to the issuance of  
11 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
12 reconsideration and court review of an adverse decision; and all other rights accorded by the  
13 California Administrative Procedure Act and other applicable laws.

14 6. Respondent voluntarily, knowingly, and intelligently waives and gives up  
15 each and every right set forth above.

16 CULPABILITY

17 7. Respondent understands and agrees that the charges and allegations of the  
18 Accusation, if proven at hearing, constitute cause for imposing discipline upon his pharmacist  
19 license. For the purpose of resolving Accusation No. 2875 without the expense and uncertainty  
20 of further proceedings, Respondent agrees that, at hearing, Complainant could establish a factual  
21 basis for the First Cause for Discipline. Accordingly, Respondent hereby gives up his right to  
22 contest all charges of the Accusation, agrees that cause exists for discipline, and hereby  
23 surrenders his Original Pharmacist License No. RPH 41834 for the Board's formal acceptance.

24 8. Respondent understands that by signing this stipulation he is enabling the  
25 Board to issue its order accepting the surrender of Original Pharmacist License No. RPH 41834  
26 without further process. Upon acceptance of the stipulation by the Board, Respondent  
27 understands that he will no longer be permitted to practice as a licensed pharmacist in California.  
28

CONTINGENCY

1  
2           9.       This stipulation shall be subject to approval by the Board of Pharmacy .  
3 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
4 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
5 without notice to or participation by Respondent. 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 Surrender of License and Order shall be of no force or  
9 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
10 and the Board shall not be disqualified from further action by having considered this matter.

11           10.       The parties understand and agree that facsimile copies of this Stipulated  
12 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
13 and effect as the originals.

14           11.       In consideration of the foregoing admissions and stipulations, the parties  
15 agree that the (Board) may, without further notice or formal proceeding, issue and enter the  
16 following Order:

ORDER

17  
18           IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 41834,  
19 issued to Respondent CRAIG BARRY PIVO is surrendered and accepted by the Board of  
20 Pharmacy .

21           12.       The surrender of Respondent's Original Pharmacist License No. RPH  
22 41834 and the acceptance of the surrendered license by the Board shall constitute the imposition  
23 of discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
24 become a part of Respondent's license history with the Board.

25           13.       Respondent shall lose all rights and privileges as a licensed Pharmacist in  
26 California as of the effective date of the Board's Decision and Order.

27           14.       Respondent shall relinquish and cause to be delivered to the Board both  
28 his wall and pocket renewal license to the Board on or before the effective date of the Decision

1 and Order.

2 15. Respondent understands and agrees that if he ever applies for licensure or  
3 petitions for reinstatement in the State of California, the Board shall treat it as a new application  
4 for licensure. Respondent must comply with all the laws, regulations and procedures for  
5 licensure in effect at the time the application or petition is filed, and all of the charges and  
6 allegations contained in Accusation No. 2794 shall be deemed to be admitted by Respondent  
7 when the Board determines whether to grant or deny the application or petition.

8 16. Respondent shall pay the Board its costs of investigation and enforcement  
9 in the amount of Four Thousand, Two Hundred Fifty (\$4,250.00) Dollars prior to issuance of a  
10 new or reinstated license.

11 17. Respondent shall not apply for licensure or petition for reinstatement for  
12 three (3) years from the effective date of the Board of Pharmacy's Decision and Order.

13  
14 ACCEPTANCE


15 I have carefully read the Stipulated Surrender of License and Order. I understand  
16 the stipulation and the effect it will have on my Original Pharmacist License No. RPH 41834, I  
17 enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and  
18 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy .

19 DATED: 6-13-06

20  
21   
22 \_\_\_\_\_  
CRAIG BARRY PIVO  
Respondent

23 I concur in the Stipulation to Surrender of License, Decision and Order.

24 DATED: 7/16/06

25  
26   
27 \_\_\_\_\_  
Bonne, Bridges, Mueller, O'Keefe & Nichols  
By: PETER R. OSINOFF  
Attorney for Respondent  
28

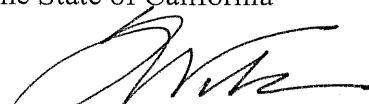
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ENDORSEMENT

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

DATED: 7-14-06

BILL LOCKYER, Attorney General  
of the State of California



SUSAN MELTON WILSON  
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2875

CRAIG BARRY PIVO,

Original Pharmacist License No. RPH 41834,

Respondent.

**DECISION AND ORDER**

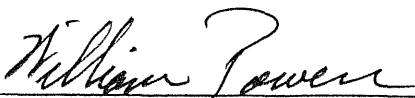
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 15, 2006.

It is so ORDERED October 16, 2006.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



WILLIAM POWERS  
Board President

# **Exhibit A**

**Accusation No. 2875**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN MELTON WILSON, State Bar No. 106902  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
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5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2875

11 CRAIG BARRY PIVO  
8283 Grove Avenue, 105  
12 Rancho Cucamonga, CA 91730

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

13  
14  
15 Original Pharmacist License No. RPH 41834

16 Respondent.  
17

18  
19 Complainant alleges:

20 PARTIES

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

24 2. On or about August 2, 1988, the Board of Pharmacy issued Original  
25 Pharmacist License No. RPH 41834 to Craig Barry Pivo (Respondent). The Original Pharmacist  
26 License was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on December 31, 2005, unless renewed.

28 ///





1 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
2 the public the practice authorized by the license.

3 . . . .

4 “(j) The violation of any of the statutes of this state or of the United States  
5 regulating controlled substances and dangerous drugs.

6 . . . .

7 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
8 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
9 applicable federal and state laws and regulations governing pharmacy, including regulations  
10 established by the board.

11 “(p) Actions or conduct that would have warranted denial of a license.

12 7. Health and Safety Code section 11170 provides: “no person shall  
13 prescribe, administer, or furnish a controlled substance for himself.”

14 8. Health and Safety Code section 11173, subdivision (b), states:

15 “No person shall make a false statement in any prescription, order, report, or  
16 record, required by this division.”

17 9. Section 125.3, subdivision (a), states, in pertinent part:

18 "Except as otherwise provided by law, in any order issued in resolution of a  
19 disciplinary proceeding before any board within the department . . . the board may request the  
20 administrative law judge to direct a licentiate found to have committed a violation or violations  
21 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case."

23 10. CONTROLLED SUBSTANCES

24 A. Oxycodone is a Schedule II control substance as designated by Health and  
25 Safety Code section 11055(b)(1) and is categorized as a dangerous drug pursuant to section 4022  
26 of the Code.

27 B. Vicodin, a brand name for Hydrocodone and Acetaminophen, is a  
28 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4)

1 and categorized as a dangerous drugs pursuant to Code section 4022 (c).

2 FIRST CAUSE FOR DISCIPLINE

3 (Administer, Furnish a Controlled Substance to Oneself)

4 11. Respondent is subject to disciplinary action under sections 4300 and 4301,  
5 subdivisions (j), (o) and (p), on the grounds of unprofessional conduct for violating Health and  
6 Safety Code section 11170 in that Respondent administered or furnished controlled substances to  
7 himself. The circumstances are as follows:

8 a. On or about January 2004, Respondent entered the Board's Pharmacists  
9 Recovery Program ("Program") as a self-referral.

10 b. On or about May 6, 2004, Maximus, a Program clinic, administered a drug  
11 screen test to Respondent.

12 c. On or about May 8, 2004, the screen test results were positive for 'Medical  
13 Opiate' and the narcotic drugs Oxycodone and Oxymorphone. Respondent had no prescription  
14 for either drug.

15 d. By his own admissions of May 24, 2004, Respondent diverted "20 mg of  
16 Oxycontin and two (regular strength) Vicodin" from drug stocks at the pharmacy facility he owns  
17 in May of 2004. Respondent then self-administered these substances, leading to the positive drug  
18 screen on May 8, 2004.

19 SECOND CAUSE FOR DISCIPLINE

20 (Fraudulent Acts)

21 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
22 subdivisions (f), (g) and (p), of the Code on the grounds of unprofessional conduct in that  
23 Respondent knowingly falsified and submitted fraudulent attendance verifications as proof of  
24 attendance at Alcoholic Anonymous/Narcotic Anonymous meetings. The circumstances are as  
25 follows:

26 a. On or about January 1, 2004, Respondent entered the Pharmacists  
27 Recovery Program as a self-referral.

28 b. By his own admission, Respondent submitted falsified attendance

1 verification cards to Maximus, a Program clinic, to support false claims that he had attended  
2 numerous Alcoholic Anonymous/Narcotic Anonymous meetings in January and June of 2004, in  
3 compliance with Program requirements.

4 c. The falsified verification card for January 2004 shows sixteen (16) dated  
5 entries signed by "M. Rivera."

6 d. The falsified verification card for June 2004 shows eighteen (18) dated  
7 entries signed by "M.Rivera."

8 e. "M.Rivera" is not associated with a legitimate recovery program, but an  
9 employee of Respondent who falsified the card at his request.

10 PRAYER

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

13 1. Revoking or suspending Original Pharmacist License No. RPH 41834,  
14 issued to Craig Barry Pivo.

15 2. Ordering Craig Barry Pivo to pay the Board of Pharmacy the reasonable  
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
17 Code section 125.3;

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

19 DATED: 7/25/05

20  
21 

22 PATRICIA F. HARRIS  
23 Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant