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

4 In the Matter of the Accusation And Petition to  
5 Revoke Probation Against:

Case No. 3023

6 **STEVEN MICHAEL LAVERING**  
7 2296 Galice Rd.  
8 Merlin, CA 97532

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

9 Pharmacy License RPH 35050

10 Respondent.

11  
12 **DECISION AND ORDER**


13 The attached Stipulated Surrender of Pharmacist License No. RPH 35050 issued to  
14 Steven Michael Lavinger is hereby adopted by the Board of Pharmacy, Department of Consumer  
15 Affairs, as its Decision in this matter.

16 This Decision shall become effective on March 28, 2007.

17 It is so ORDERED February 26, 2007.

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19 BOARD OF PHARMACY  
20 DEPARTMENT OF CONSUMER AFFAIRS  
21 STATE OF CALIFORNIA

22  
23 By



24 WILLIAM POWERS  
25 Board President  
26  
27  
28

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of the State of California  
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8  
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**STIPULATED SURRENDER AND  
ORDER**

14 Pharmacy License RPH 35050

15  
16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 PARTIES

21 1. Virginia K. Herold (Complainant) is the Interim Executive Officer of the  
22 Board of Pharmacy (Board). She brought this action solely in her official capacity and is  
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jessica  
24 M. Amgwerd, Deputy Attorney General.

25 2. Steven Michael Laving (Respondent) is unrepresented by counsel.

26 3. On or about December 11, 1979, the Board issued Pharmacist License No.  
27 RPH 35050 to Respondent. On May 19, 2000, the Board filed Accusation No. 2292 against  
28 Respondent based upon his self-administering, without legal authorization, 27.47 grams of

1 cocaine powder from Black Oak Pharmacy, in Oregon, where he was employed. The matter was  
2 settled, effectively April 28, 2001, and part of the terms and conditions included revocation,  
3 stayed, and probation to run concurrently with the discipline of his Oregon license.

4 JURISDICTION

5 4. Accusation and Petition To Revoke Probation No. 3023 was filed before  
6 the Board of Pharmacy (Board), Department of Consumer Affairs, on September 7, 2006, and is  
7 currently pending against Respondent. The Accusation and Petition To Revoke Probation and all  
8 other statutorily required documents were properly served on Respondent on September 14,  
9 2006. Respondent filed his Notice of Defense contesting the Accusation and Petition To Revoke  
10 Probation. A copy of Accusation and Petition To Revoke Probation No. 3023 (also referred to as  
11 Case No. 3023) is attached as exhibit A and incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations  
14 in Accusation and Petition To Revoke Probation No. 3023. Respondent also has carefully read,  
15 and understands the effects of this Stipulated Surrender of License and Order.

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

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

26 8. This settlement shall be for the purposes of this proceedings, any future  
27 proceedings before the parties and any other actions taken by or before any governmental agency  
28 responsible for licensing, and shall not be used for any civil or criminal proceedings.





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19. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation and Petition To Revoke, No. 3023 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.


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

**ACCEPTANCE**

I, Steven Michael Lavering have carefully read the above Stipulated Surrender of License and entered into this agreement freely and voluntarily with full knowledge of its force and effect, do hereby surrender my vocational nurse license to the Board of Pharmacy, Department of Consumer Affairs, State of California, for its formal acceptance. By signing this Stipulated Surrender of License I recognize that upon its formal acceptance by the Board I will lose all rights and privileges to practice as a pharmacist in the State of California and I will also cause to be delivered to the Board both my license and wallet certificate before the effective date of the decision.

I further agree that a facsimile copy of this Stipulated Surrender of License and Order including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 1-13-07

  
STEVEN MICHAEL LAVERING  
Pharmacist License No. RPH 35050  
**Respondent**

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**ENDORSEMENT**

The foregoing Surrender of license is respectfully submitted for consideration by  
the Board of Pharmacy, Department of Consumer Affairs.

DATED: January 22, 2007

BILL LOCKYER, Attorney General  
of the State of California

By: Jessica M. Amgwerd  
JESSICA M. AMGWERD  
Deputy Attorney General  
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2296 Galice Rd.  
13 Merlin, CA 97532

14 Pharmacy License RPH 35050

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

15 Respondent.  
16

17 Complainant alleges:

18 1. Virginia K. Herold ("Complainant") brings this Accusation and Petition  
19 To Revoke Probation solely in her official capacity as the Interim Executive Officer of the Board  
20 of Pharmacy ("Board"), Department of Consumer Affairs.

21 **I.**

22 **LICENSE HISTORY**

23 2. On December 11, 1979, the Board issued Pharmacist License RPH No.  
24 35050 to Respondent Steven Michael Laving (Respondent), to practice pharmacy in California.  
25 Respondent's license will expire on May 31, 2008, unless renewed.

26 3. Respondent also holds a pharmacist license from Oregon (license No.  
27 8544) and Nevada (license No. 7629), permitting him to practice pharmacy in said states.  
28 Respondent's Oregon and Nevada licenses are currently in a probationary status.



1 4. From circa April 13, 1996 and April 17, 1996, while working as a  
2 pharmacist in the Black Oak Pharmacy, located in Oregon, Respondent self-administered,  
3 without legal authorization, of 27.47 grams of cocaine powder which he took from the Black Oak  
4 Pharmacy. Due to Respondent's conduct, the Board of Pharmacy of the State of Oregon  
5 ("Oregon Board") filed a Notice of Proposed Disciplinary Action (Case No. 96-0033) on  
6 December 19, 1996. Thereafter, the Oregon Board and Respondent entered into a settlement  
7 (Consent Order), placing Respondent's Oregon license on probation for ten years.

8 5. On or about May 19, 2000, the Board filed Accusation No. 2292 against  
9 Respondent, based on his self-administering, without legal authorization, of 27.47 grams of  
10 cocaine powder from Black Oak Pharmacy, located in Oregon. On March 29, 2001, the Board  
11 adopted a Stipulation whereby Respondent admitted to the allegations in Accusation No. 2292.  
12 The effective date of the Stipulation was April 28, 2001. As part of the terms and conditions in  
13 the Stipulation, Respondent's license was revoked, the revocation, however, was stayed and  
14 Respondent was placed on a probation in California to run concurrently with the discipline of his  
15 Oregon license.

16 **II.**

17 **STATUTORY PROVISIONS**

18 6. Under Business and Professions Code ("Bus. & Prof. Code") section 4300  
19 the Board may discipline any license, for any reason provided in the Pharmacy Law, (i.e., Bus. &  
20 Prof. Code section 4000 *et. seq.*) Bus. & Prof. Code section 4300 (d), states the following:

21 (d) The board may initiate disciplinary proceedings to revoke or suspend  
22 any probationary certificate of licensure for any violation of the terms and  
23 conditions of probation. Upon satisfactory completion of probation, the  
board shall convert the probationary certificate to a regular certificate, free  
of conditions.

24 7. The disciplinary conditions of probation of pharmacist are set forth in the  
25 California Code of Regulations, title 16, section 1773.

26 8. Bus. & Prof. Code section 118, subdivision (b), states:

27 The suspension, expiration, or forfeiture by operation of law of a license  
28 issued by a board in the department, or its suspension, forfeiture, or  
cancellation by order of the board or by order of a court of law, or its

1 surrender without the written consent of the board, shall not, during any  
2 period in which it may be renewed, restored, reissued, or reinstated,  
3 deprive the board of its authority to institute or continue a disciplinary  
4 proceeding against the licensee upon any ground provided by law or to  
5 enter an order suspending or revoking the license or otherwise taking  
6 disciplinary action against the licensee on any such ground

9. Bus. & Prof. Code section 4300(j) and (n), state as follows:

6 **§ 4301. Unprofessional conduct; licenses procured through  
7 misrepresentation, fraud, or mistake**

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

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

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

15 10. Bus. & Prof. Code section 125.3 states, in pertinent part, that the Board  
16 may request the administrative law judge to direct a licensee found to have committed a  
17 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
18 investigation and enforcement of the case.

19 **IV.**

20 **GENERAL BACKGROUND**

21 11. By reference paragraphs 2 through 5 are incorporated herein. In June  
22 2003, while working at McLaine's Drug Center, in Grants Pass, Oregon, Respondent gave a  
23 pharmacy technician approximately ten (10) Android (methyltestosterone) capsules, a schedule III  
24 controlled substance, without a prescription. Respondent's conduct violated Federal Law,  
25 Oregon Pharmacy Law, and the Oregon Board Consent Order. Due to the violation,  
26 Respondent's original Oregon probation was extended until January 17, 2010, three additional  
27 years.

28 ///

V.

VIOLATIONS

**(B&P SECTION 4301(j))**

(Violation of Federal And State Laws)

12. Paragraphs 2 through 5, and 11 are incorporated herein by reference.

Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301, subdivision (j). In providing a pharmacy technician schedule III controlled substances without a prescription, Respondent violated state or federal regulations concerning controlled substances and dangerous drugs.

**(B&P SECTION 4301(n))**

(Out-Of-State Discipline)

13. Paragraphs 2 through 5, and 11 are incorporated herein by reference.

Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301, subdivision (n), in that he was disciplined by the Oregon Board for giving medications to a pharmacy technician without a prescription.

**(B&P SECTION 4300(d))**

(Violation of Laws and Regulations)

14. Paragraphs 2 through 5, and 11 are incorporated herein by reference.

Respondent is subject to disciplinary action pursuant to California Code of Regulations, title 16, Section 1773, and Bus. & Prof. Code section 4300(d), due to his violation of the terms and conditions of his California probation. More specifically, Respondent violated term No. 1 of the Board's stipulated settlement in Case No. 2292, which required him to obey all federal and state laws and regulations relating to the practice of pharmacy.

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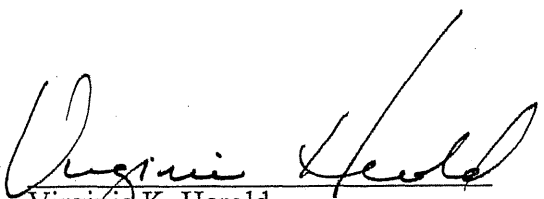
VI.

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 Pharmacy License RPH 35050, issued to Steven Michael Lavinger;
2. Vacating the Board's stayed revocation of Pharmacist License Number Pharmacy License RPH 35050, in Case No. 2292;
3. Ordering Respondent Steven Michael Lavinger 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;
4. Taking such other and further action as deemed necessary and proper.

DATED: 9/7/06

  
Virginia K. Herold  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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