

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

In the Matter of the Accusation Against:

Case No. 4657

**MORRIS JACK STAVNEZER**  
9112 C E. Fairview Avenue  
San Gabriel, CA 91775

Pharmacist License No. RPH 27527

Respondent.

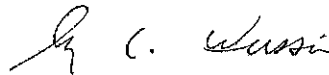
**DECISION AND ORDER**

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 April 9, 2014.

It is so ORDERED on April 4, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
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2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4657

12 **MORRIS JACK STAVNEZER**  
9112C E. Fairview Avenue  
13 San Gabriel, California 91775

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Pharmacist License No. RPH 27527

15 Respondent.  
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 Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by Susan Melton Wilson, Deputy Attorney  
23 General.

24 2. Morris Jack Stavnezer (Respondent) is represented in this proceeding by attorney  
25 Ronald S. Marks, Esq., whose address is 2625 Townsgate Road, Suite 330  
26 Westlake Village, CA 91361.

27 3. On or about November 12, 1971, the Board of Pharmacy issued Pharmacist License  
28 No. RPH 27527 to Morris Jack Stavnezer (Respondent). The Pharmacist License was in full

1 force and effect at all times relevant to the charges brought in Accusation No. 4657 and will  
2 expire on October 31, 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4657 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on September 18, 2013.  
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 4657 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 4657. Respondent also has carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
13 Order.

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

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

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in Accusation No. 4657, if  
25 proven at a hearing, constitute cause for imposing discipline upon his Pharmacist License.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
28 basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up his right to contest that cause for discipline exists based on those  
2 charges.

3 10. Respondent understands that by signing this stipulation he enables the Board to issue  
4 an order accepting the surrender of his Pharmacist License without further process.

5 CONTINGENCY

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

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
16 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
17 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

26 ORDER

27 IT IS HEREBY ORDERED that Pharmacist License No. RPH 27527, issued to Respondent  
28 MORRIS JACK STAVNEZER, is surrendered and accepted by the Board of Pharmacy.

1           1.     The surrender of Respondent's Pharmacist License and the acceptance of the  
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
4 license history with the Board of Pharmacy.

5           2.     Respondent shall lose all rights and privileges as a Pharmacist in California as of the  
6 effective date of the Board's Decision and Order.

7           3.     Respondent shall cause to be delivered to the Board his pocket license and, if one was  
8 issued, his wall certificate on or before the effective date of the Decision and Order.

9           4.     Respondent may not apply for any license, permit or registration from the Board for  
10 three (3) years from the effective date of this decision.

11          5.     If he ever applies for licensure or petitions for reinstatement in the State of California,  
12 the Board shall treat it as a new application for licensure. Respondent must comply with all the  
13 laws, regulations and procedures for licensure in effect at the time the application or petition is  
14 filed, and all of the charges and allegations contained in Accusation No. 4657 shall be deemed to  
15 be true, correct and admitted by Respondent when the Board determines whether to grant or deny  
16 the application or petition.

17          6.     If Respondent should ever apply or reapply for a new license or certification, or  
18 petition for reinstatement of a license, by any other health care licensing agency in the State of  
19 California, all of the charges and allegations contained in Accusation, No. 4657 shall be deemed  
20 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
21 other proceeding seeking to deny or restrict licensure.

22          7.     If Respondent applies for licensure or petitions for reinstatement in the State of  
23 California, the investigation and prosecution costs of Accusation case No. 4657, in the agreed  
24 sum of \$1,500.00 shall be paid to the Board as a condition of and prior to issuance of any new  
25 license.

26           ///

27           ///

28           ///



**Exhibit A**

**Accusation No. 4657**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 SUSAN MELTON WILSON  
Deputy Attorney General  
4 State Bar No. 106092  
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5 Los Angeles, CA 90013  
Telephone: (213) 897- 4942  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4657

12 **MORRIS JACK STAVNEZER**  
9112C E. Fairview Avenue  
13 San Gabriel, California 91775

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

14 Pharmacist License No. RPH 27527

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about November 12, 1971, the Board issued Pharmacist License No. RPH  
22 27527 to Morris Jack Stavnezer (Respondent). The Pharmacist License was in full force and  
23 effect at all times relevant to the charges brought herein and will expire on October 31, 2013,  
24 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 *///*



STATUTORY PROVISIONS

1  
2       4.    Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
4 action during the period within which the license may be renewed, restored, reissued or  
5 reinstated.

6       5.    Section 490 states, in pertinent part:

7       "(a) In addition to any other action that a board is permitted to take against a licensee, a  
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
9 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
10 or profession for which the license was issued.

11       "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
12 discipline a licensee for conviction of a crime that is independent of the authority granted under  
13 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
14 of the business or profession for which the licensee's license was issued.

15       "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
16 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
17 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
18 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a subsequent order under the  
20 provisions of Section 1203.4 of the Penal Code. . . ."

21       6.    Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
22 revoked."

23       7.    Section 4301 states, in pertinent part:

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

27       . . . .

28       "(h) The administering to oneself, of any controlled substance, or the use of any dangerous

1 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
2 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
3 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
4 practice authorized by the license.

5 . . . .

6 "(k) The conviction of more than one misdemeanor or any felony involving the use,  
7 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
8 combination of those substances.

9 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
10 duties of a licensee under this chapter. . . ."

11 **REGULATORY PROVISION**

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

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

19 **COST RECOVERY**

20 9. Section 125.3 provides that the Board may request the administrative law judge to  
21 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
22 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

23 **FIRST CAUSE FOR DISCIPLINE**

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

25 10. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,  
26 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
27 grounds of unprofessional conduct, in that Respondent was convicted of a substantially related  
28 crime, as follows:

1 **WRECKLESS DRIVING (2011)**

2 a. On or about November 7, 2011, after pleading nolo contendere and admitting that  
3 alcohol/drugs were involved in the incident, Respondent was convicted of one interlineated  
4 misdemeanor count of violating Vehicle Code section 23103 {wet – reckless] in the criminal  
5 proceeding entitled *The People of the State of California v. Morris Jack Stavnezer* (Super. Ct. Los  
6 Angeles County, 2010, No. 1PS00748). The Court placed Respondent on two (2) years  
7 probation.

8 b. The circumstances underlying the conviction are that on or about July 4, 2010,  
9 Respondent was stopped at a sobriety/driver's license check point in Pasadena, CA. When asked  
10 by the attending California Highway Patrol officer whether he had consumed any alcohol,  
11 Respondent answered that he'd had 2 glasses of wine. The officer reported that he could smell the  
12 strong odor of an alcoholic beverage emitting from inside Respondent's vehicle, that  
13 Respondent's eyes were watery, and his speech slurred. The officer administered a series of field  
14 sobriety tests, which Respondent was unable to complete successfully. Subsequent breath testing  
15 showed Respondent had a 0.12/0.12% blood alcohol content (BAC).

16 c. On or about December 7, 2010, the Department of Motor Vehicles issued an  
17 administrative Decision against Respondent with Findings and Determination of Issues  
18 suspending and re-imposing his driving privilege. Respondent was ordered to complete a Driving  
19 Under the Influence (DUI) Program. On or about May 15, 2011, Respondent completed a Three-  
20 Month DUI program.

21 d. On or about October 21, 2011, Respondent in his renewal application certified under  
22 penalty of perjury, admitted and provided documents to the Board about his most recent DUI and  
23 conviction referenced above.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Conviction Involving Alcohol)**

26 11. Respondent is subject to disciplinary action under sections 4300 and 4301,  
27 subdivision (k), on the grounds of unprofessional conduct, in that Respondent sustained another  
28 criminal conviction involving alcoholic beverages or drugs. Complainant refers to and by this

1 reference incorporates the allegations set forth above in paragraph 10, subparagraphs a through d,  
2 inclusive, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
6 subdivision (h), on the grounds of unprofessional conduct, in that Respondent dangerously used  
7 alcoholic beverages when he drove while under the influence. Complainant refers to and by this  
8 reference incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as  
9 though set forth fully.

10 **DISCIPLINE CONSIDERATIONS**

11 13. To determine the degree of discipline, Complainant alleges that:

12 **PREVIOUS DISCIPLINE**

13 a. On or about January 22, 2003, effective date, in a Decision issued in the  
14 administrative matter entitled *In the Matter of the Accusation Against Morris Jack Stavnezer*,  
15 Case No. 2175, the Board placed Respondent on five (5) years probation pursuant to certain terms  
16 and conditions. The allegations are that Respondent violated sections 4300, 4301(k), 490 and  
17 4060, and Health and Safety Code section 11350(a), for sustaining a criminal conviction in 1997,  
18 involving (felony) possession of a controlled substance (cocaine). That Decision is final, attached  
19 as **Exhibit A**, and incorporated by reference as though set forth fully.

20 b. On or about June 7, 2006, effective date, in a Decision and Order issued in the  
21 administrative matter entitled *In the Matter of the Petition for Early Termination of Probation by*  
22 *Morris Jack Stavnezer*, Case No. 2175, the Board granted early termination of probation pursuant  
23 to certain terms and conditions. That Decision is final, attached as **Exhibit B**, and incorporated  
24 by reference as though set forth fully.

25 **PRAYER**

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

28 1. Revoking or suspending Pharmacist License No. RPH 27527, issued to Morris Jack

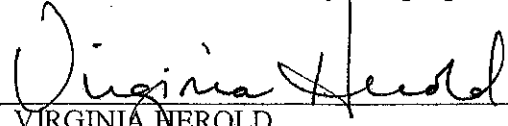
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Stavnezer;

2. Ordering Morris Jack Stavnezer to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: 9/9/13



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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51327921.doc

**EXHIBIT A**

Decision, effective January 22, 2003  
*In the Matter of the Accusation Against  
Morris Jack Stavnezer, Case No. 2175*

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

In the Matter of the Accusation Against: )

MORRIS JACK STAVNEZER )  
1801 Lincoln Boulevard, #108 )  
Venice, California 92091 )

No. 2175 )  
OAH No. L-2002030237 )

Pharmacist's License No. RPH 27527, )

Respondent. )  
\_\_\_\_\_ )

DECISION

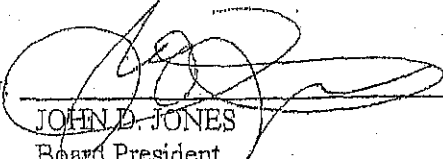
The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This Decision shall become effective on January 22, 2003.

IT IS SO ORDERED December 23, 2002.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By: \_\_\_\_\_

  
JOHN D. JONES  
Board President

rfm

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

In the Matter of the Accusation Against:

MORRIS JACK STAVNEZER  
1801 Lincoln Boulevard, #108  
Venice, California 92091

Pharmacist's License No. RPH 27527

Respondent.

CASE NO. 2175

OAH NO. L2002030237

**PROPOSED DECISION**

John Thomas Montag, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on September 23, 2002.

Stephen A. Mills, Deputy Attorney General, represented the Board of Pharmacy.

Ronald S. Marks, Attorney at Law, represented respondent, Morris Jack Stavnezer, who was present throughout the hearing.

Evidence was received, the record was closed and the matter was submitted on September 23, 2002.

**FACTUAL FINDINGS**

1. Respondent, Morris Jack Stavnezer, was born on June 5, 1939. He is presently sixty-three (63) years of age. In 1962 he received a Bachelor of Science Degree, with a major in Pharmacy, from the University of Connecticut. In that same year he became licensed as a pharmacist in the State of Connecticut. Respondent served on active duty in the United States Air Force from January 1964 until December 1966.

On November 12, 1971, the California State Board of Pharmacy issued Pharmacist's License No. RPH 27527 to the respondent (Exhibit 2). Respondent's pharmacist's license is in full force and effect until October 31, 2003.



The records of the California State Board of Pharmacy show that no prior disciplinary action has been taken against respondent's license (Exhibit 2).

2. On June 07, 2000, Patricia F. Harris, Executive Officer, California State Board of Pharmacy, Department of Consumer Affairs, State of California, acting in her official capacity, signed the Accusation herein. The Accusation seeks to suspend or revoke respondent's pharmacist's license, and to order respondent to pay the costs incurred by the Board for the investigation and prosecution of this case. The grounds alleged for disciplinary action against respondent are based upon his April 25, 1997 conviction of possession of a narcotic controlled substance (cocaine) and the facts and circumstances surrounding said conviction.

As a matter in aggravation to be considered in assessing a penalty against respondent, the Accusation alleges that on August 6, 1998 respondent was granted Diversion in two (2) separate court cases involving additional counts of possession of a narcotic controlled substance (cocaine).

Respondent executed and timely filed a Notice of Defense with the State Pharmacy Board. This hearing ensued.

3. On April 25, 1997, in the Superior Court of California, County of Los Angeles, State of California, in Case No. SA 028460, respondent was convicted, upon his plea of nolo contendere, of one felony count of possession of a narcotic controlled substance (cocaine), in violation of Section 11350(a) of the California Health and Safety Code. Respondent was initially ordered to participate in an eighteen (18) month Drug Diversion Program (Exhibit 3). He did not abide by the terms of the diversion program. Accordingly, on January 9, 1998 he was sentenced to serve ninety (90) days in jail (Exhibit 3).

4. On January 6, 1998 in the Superior Court of California, County of Los Angeles, State of California, in Cases No. SA 031449 and SA 031647, both of which involved additional counts of possession of a narcotic controlled substance (cocaine), respondent was diverted for a period of twelve (12) months to the Drug Court Program and was ordered to forthwith report to the Clare Foundation (Exhibit 4). Respondent successfully completed this Drug Diversion Program, as discussed in more detail hereinafter.

5. Section 4300(a) of the California Business and Professions Code, which applies to the California State Board of Pharmacy, and to any license issued by said Board, provides that every license, permit, or certificate issued by the Board of Pharmacy may be suspended or revoked for cause.

6. Section 4301 of the California Business and Professions Code provides, in pertinent part, that the Board shall take disciplinary action against a licensee who is guilty of

unprofessional conduct. Said section further provides that unprofessional conduct includes:

*(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.*

The facts and circumstances of respondent's April 25, 1997 conviction of one felony count of possession of a narcotic controlled substance (cocaine), in violation of Section 11350(a) of the California Health and Safety Code constitutes unprofessional conduct within the meaning of Section 4301(k) of the Business and Professions Code. This is cause to suspend or revoke respondent's license to practice pharmacy in California.

7. Section 4301 of the California Business and Professions Code provides that the Board shall take disciplinary action against a licensee who is guilty of unprofessional conduct. Said section further provides that unprofessional conduct includes:

*(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.*

The facts and circumstances of respondent's April 25, 1997 conviction of one felony count of possession of a narcotic controlled substance (cocaine), in violation of Section 11350(a) of the California Health and Safety Code is conviction of a crime which is substantially related to the qualifications, functions and duties of a licensed pharmacist. This constitutes unprofessional conduct within the meaning of Section 4301(l) of the Business and Professions Code and is cause to suspend or revoke respondent's license to practice pharmacy in California.

8. Section 490 of the California Business and Professions Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime if the crime is substantially related to the qualifications, functions or duties of the business or profession for which the license was issued.

Respondent's April 25, 1997 conviction of one felony count of possession of a narcotic controlled substance (cocaine), in violation of Section 11350(a) of the California Health and Safety Code is conviction of a crime which is substantially related to the qualifications, functions and duties of a licensed pharmacist within the meaning of Section 490 of the Business and Professions Code. This is cause to suspend or revoke respondent's license to practice pharmacy in California.

9. While the facts and circumstances of respondent's conviction clearly justify a revocation of his license, this is an appropriate case in which to stay the revocation and to permit respondent to maintain a probationary license. This conclusion is based upon respondent's testimony and the documentation which he presented concerning the steps which he has taken

toward rehabilitation, and upon the sixty-seven (67) letters of support which were written on his behalf. Respondent's past and present participation in civic activities also support this action.

Commencing in 1973, respondent was an active member of a variety of civic organizations which devoted themselves to conservation and community housing activities. Exhibit A lists nine such organizations in which respondent was an active participant. These include the Venice Town Council, the League for Coastal Protection, the Santa Monica Fair Housing Alliance, the Los Angeles League of Conservation Voters and the Venice Community Housing Corporation.

During the twelve (12) years in which respondent was a member of the Venice Town Council, respondent devoted himself to coastal, housing and planning issues. During the five (5) years in which respondent worked with the Santa Monica Fair Housing Alliance, this organization was instrumental in obtaining the passage of rent control in Santa Monica. For all of this community activity in these various organizations, respondent received no monetary compensation. All of his work was performed on a voluntary basis. He held responsible positions as an officer in most of these organizations.

Commencing with the decline in his personal finances, which commenced in 1994 and his fall into drug usage in 1996, respondent ceased participating in these community organizations. Since his participation in drug rehabilitation programs, respondent has revived his active participation in the Venice Community Housing Corporation and the Los Angeles League of Conservation Voters. Respondent was one of the founders of the Venice Community Housing Corporation (1987) and is a past president. He is currently serving on its Board of Directors. Respondent has been a member of the Los Angeles League of Conservation Voters since 1981 and served as its president for five (5) years. He is currently serving as Treasurer for this organization, overseeing its \$20,000.00 treasury.

10. Throughout his pharmaceutical career, respondent has shunned working for large corporate pharmacies. He has always preferred to work for independent retail pharmacies. He worked in one such pharmacy for twenty (20) years and in another such pharmacy for eleven (11) years. Respondent testified that sometime in 1990 a "big change" began to occur in the field of retail pharmacy. The large corporate-chain drug stores began to dominate. During the four (4) year period from approximately 1990 to 1994 respondent worked for four (4) different independent pharmacies. One by one these pharmacies were forced to close, being unable to compete with the large corporate pharmacies. In 1994, for the first time in his entire life as a pharmacist, respondent found himself to be without a job. For two years respondent attempted, without success, to find employment. When he was unable to find employment as a pharmacist, he attempted to find a position with a non-profit organization. His volunteer community activity did not qualify as the "paid experience" sought by the non-profit organizations.

Respondent "slid into a depression." As can be expected, respondent was not able to recognize the fact that he was deeply depressed. He withdrew from his friends, from his civic

activities and "from the world." It was while he was in this depressed state that he sank lower, into the sordid addiction of the use of cocaine. Respondent used this drug to "block out his pain." For a two (2) year period, it effectively destroyed his life. To support his habit he spent all of his savings and he eventually lost his house.

11. Finally, in 1998, having been convicted of possession of cocaine, and having been arrested thereafter for additional drug possession offenses, respondent entered a residential treatment program at a VA hospital and continued in that program for two months. This program would not permit him to attend the drug rehabilitation program ordered by the court. Thus, in August 1998 respondent admitted himself into the Clare Adult Recovery House, where he spent five (5) months in their residential care. Thereafter, he continued in the Clare program until October 1999. Exhibit B confirms respondent's entry into this rehabilitation program on October 1, 1998 and sets forth the extensive and intensive program of care which was administered. Exhibit C confirms respondent's completion of the program on October 1, 1999. During this program, respondent was subject to frequent random drug testing and was monitored by the Santa Monica Court. Exhibit C was authored by the Manager of this program. He states:

*Mr. Stavnezer was an outstanding client in our drug program, and staff was impressed with his progress. He was highly cooperative and compliant with all program requirements. Mr. Stavnezer has made a serious commitment to sobriety and is a productive, responsible member of society.*

Respondent credits the Clare Program with saving his life. Exhibit D is an article published on November 19, 1998 by "Our Times" (a Santa Monica newspaper) which features the respondent and highlights the life-saving benefits which he was receiving from the program. Respondent testified that he has not used any illegal drugs since the early part of 1998. His drug conviction was expunged by the Court on April 3, 2001, upon respondent's successful completion of the terms of his probation (Exhibit K).

12. In spite of his drug possession conviction, respondent has once again found work as a pharmacist. For the past two (2) years he has been employed at Webster's Pharmacy in Altadena, California. This is a family operated pharmacy which has been in business for seventy-five (75) years. Prior to this employment, respondent was employed at Ararat Plaza Pharmacy for approximately one (1) year. He was required to leave that position because he could not qualify as the Pharmacist-in-Charge, due to his drug conviction. His employer wanted respondent to be the Pharmacist-in-Charge, and when he could not qualify, the employer was forced to replace him.

Respondent complies with the Pharmacy Board's requirements for continuing education. For his most recent license renewal respondent completed thirty-five (35) hours of continuing education courses. He testified that he finds these courses to be helpful to him in the practice of his profession.

13. In his testimony at this hearing respondent showed himself to be sincere and to be truly repentant of his wrongful conduct. He also presented himself as a knowledgeable pharmacist who is devoted to the practice of his profession. He is willing to talk to the customers of the pharmacy and to answer their questions concerning their medications.

Exhibit J contains fifty-three (53) letters of support written on behalf of respondent. It is significant that all of these letters were written within the last three (3) months specifically for this disciplinary proceeding. Each person who authored a letter was aware of respondent's problem with the use of illegal drugs. Each person unhesitatingly urged the Board to permit respondent to retain his license. Each person expressed confidence in the respondent and in the fact that he has conquered his drug problem.

It is not necessary to discuss each of these letters in detail. The following letters are representative of the entire package of letters which comprises Exhibit J.

Letter J-1 was written on August 7, 2002 by Linda Lucks. Ms. Lucks is a current member of the Medical Board of California (Division of Medical Quality). She is a past member of the California Board of Psychology and the Board of Dental Examiners. Ms. Luck has known respondent for over twenty-five (25) years, extending from before his drug problem to the present day. She says:

*Moe Stavnezer has rehabilitated himself in exactly the manner a board would expect and demand, and he has done so on his own initiative, with remorse, personal examination and growth, prior to having had disciplinary action taken against him. He successfully completed a long rehabilitation program a number of years ago and has reentered society in a positive and very healthy way.*

Letter J-2 was written on July 17, 2002 by Ruth Galanter, who is a current member of the Los Angeles City Council. Ms. Galanter is the Councilmember for the Sixth District of the City of Los Angeles. She has known the respondent for approximately thirty (30) years. She writes of respondent's rehabilitation in the following words:

*Over the past several years, as he repossessed his life, Mr. Stavnezer's underlying sense of personal and social responsibility has reappeared. He has reached out to his friends, he has maintained a job, he has volunteered in community activities, and he has shown a consistent appreciation of his good fortune in being alive, sober, industrious, and befriended. . . .*

*It is wonderful to have him back.*

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Letter J-3 is dated August 21, 2002 and has been authored by Debra Bowen, California State Senator for the Twenty-Eighth Senatorial District of California. Senator Bowen has known respondent for fifteen (15) years. She writes:

*A few years ago, Moe experienced some serious personal difficulties. I don't wish to minimize the seriousness of his conduct, but I do want you to know that in the last couple of years, the Moe Stavnezer who was an upstanding citizen with a great commitment to his community is back. he is serving on the board of the Venice Community Housing Corporation while working and maintaining his sobriety, and he is once again an attribute to the community.*

*Mr. Stavnezer has done an excellent job of rehabilitating himself, and I believe it is in the interest of the State of California to permit him to continue to pursue his profession. He has demonstrated his ability to work as a pharmacist. . . .*

*This is a very unusual letter for me. I have not expressed my views in any similar matter in the more than nine years I have held office, but in this case I know Mr. Stavnezer's situation well enough to express a personal opinion.*

Letter J-5 is from Petros Bagdasarian, the owner of Ararat Pharmacy and a former employer of respondent. He states:

*Mr. Stavnezer worked full time for me for about 4 months in 2000. He has also occasionally worked for me as a relief pharmacist in the past 2 years. I have great regard for his professionalism and his dependability. In fact, in 2000 I requested that he be made the pharmacist-in-charge at this pharmacy even knowing of his past troubles. That request was denied by the Board because of an impending investigation. It is for that reason, and that reason alone, that I was forced to find a replacement for Mr. Stavnezer.*

*Mr. Stavnezer is, in my opinion, an excellent pharmacist and conducts himself in an utmost sober and professional manner at all times.*

Letter J-6 was written on August 9, 2002 by Barry S. Brotman, the Pharmacist-in-Charge at Webster's Neighborly Pharmacy, where the respondent is currently employed. He writes:

*Morris has been employed as a staff pharmacist at Webster's Pharmacy for approximately 1 & 1/2 years. During this time he has had an exemplary record. He always arrives punctually and ready to work. He gets along with all the staff which includes technicians, data entry personnel, and sales associates. His work is always of the highest standards-which is what is expected at Webster's. Besides all his other duties, his ability to counsel our patients is exceptional. We may have*

*senior patients and he especially takes time to answer all their questions and be sure they understand how to take their medications. Of course he gives this same care to all our patients.*

Letter J-37 is from Michael Tarbet, an attorney from Santa Monica, California. He writes of his encounters with respondent, as follows:

*I have known Mr. Stavnezer since 1977. At that time, and for many years after, he worked as a pharmacist and volunteered for the betterment of his residential community. We became friends when we volunteered closely together through the early 1980s to preserve and provide housing for low and moderate income persons. He won my respect as a dedicated, honest and principled citizen.*

*For many years after, we only saw each other occasionally, having focused our activities in separate cities.*

*I was made aware that he had become addicted to crack cocaine when mutual friends called in 1997. About 15 people who cared deeply for Moe gathered to discuss what we could do. We attempted to intervene to get him into a treatment facility, but events overtook our plans and he was arrested.*

*Moe quickly figured out that he had been out of control. He stayed at my house for a week waiting for a bed to be ready for him at a recovery center in 1998. He kept clean from drugs while at my house, and, as I understand, has never gone back.*

*Moe has recovered from his dependency problem, renewed his volunteer efforts for low income housing and the environment, works as pharmacist without problem and deserves to be treated as the valuable citizen he is.*

Letter J-44 was authored by JoAnne Nagler of Nagler Counseling. Her letter offers additional insight into respondent and his recovery from drug addiction. Ms. Nagler first met respondent in 1993. At that time respondent was a member of the Board of Directors of the Liberty Hill Foundation (Exhibit A). She writes:

*I first met Moe as a community board member of the Liberty Hill Foundation, an active and progressive philanthropic group which seeks to impact issues of poverty, housing, economic development and social well-being in our Los Angeles community. . . .*

*I became aware of Moe's challenges just before he began to seek treatment. We had several conversations on the topic-especially regarding intervention- and I realized he knew he had a problem. For each of us, when we are challenged by something, the recognition that we need support is the defining moment for creating change in our lives.*

*I witnessed this moment personally in Moe and offered my support.*

*It is no easy task to put oneself in a treatment program, nor is it easy to put one's life on hold and address the issues that cause us to seek out escape hatches from our challenges. . . . I applaud Moe's courage to address -head-on- his challenges, and walk the walk that recovery takes, no matter what it would take to do so.*

*I conversed with him by letter and by phone while he was in the treatment facilities, and during his subsequent counseling, and I personally witnessed his growth and recovery. I believe sincerely that each challenge of our hearts conceals a diviner gift, and that when we find the courage to overcome our challenge, that gift is revealed. Moe, in his recovery, has become a genuine example of how a human being can heal their life, start again, and become a living, breathing example of this capability to all those around him. . . .*

*. . . Moe has walked the walk of total recovery, and it was not an easy one. . . . I am proud to say that he has become a better person -a stronger one- and that everyone he touches now is blessed by the gifts he has to offer from his recovery.*

*I am confident that Moe Stavnezer will honor his profession, and be an example of steadiness in his work and in his life.*

In addition to these letters, Exhibit J contains other letters, of like tenor respondent from officers of various community organizations, a former Mayor of Santa Monica, California, a licensed psychotherapist, an Assistant Superintendent of the Huntington Beach Union High School District, seven attorneys and four school teachers, which are not excerpted herein. All of this evidence clearly shows that respondent is worthy of being permitted to continue in the practice of his profession of pharmacy, albeit in a probationary status.

14. Respondent is sixty-three years of age. He has devoted most of his working life to the practice of pharmacy. Five (5) years have passed since his conviction for unlawful possession of drugs and said conviction has been expunged. Four (4) years have passed since his last illegal use of cocaine. His criminal actions never jeopardized the health, safety or welfare of the patients whose prescriptions he filled. He has no record of any prior disciplinary action during the thirty-one and one-half (31 1/2) years of licensure by the Board. His professional qualifications have never been questioned. He has shown genuine remorse for his past criminal actions. He can be trusted to act competently as a pharmacist.

However, recovery from a drug addiction is a life-long battle, a fact which respondent acknowledged during the hearing herein when he admitted that the proper term to describe his situation is that he is a "recovering" drug addict. For this reason, it is necessary to place respondent's license to practice pharmacy on probation to the Board, as set forth hereinafter.



15. Section 125.3 of the Business and Professions Code provides that, upon request of the Board which has caused this proceeding to be brought to hearing, the administrative law judge must make a proposed finding as to the reasonable costs of investigation and prosecution of the case. Exhibit 6 is a Certification of the Costs of Investigation and Prosecution of this case, including the cost incurred by the California State Board of Pharmacy for the services of the Attorney General's office. The total of the costs incurred by the Board for the investigation and prosecution of this case is the sum of \$11,751.25.

Said costs are, on their face, reasonable and appear to have been necessarily incurred. In the particular circumstances of this case, however, taking into account the additional monetary costs which will be incurred by respondent as a result of the terms of probation hereinafter imposed, it would be unreasonable to assess the total amount of said costs against the respondent. A reasonable cost assessment in this case is the sum of \$6,600.00, said sum to be paid by respondent at the rate of \$110.00 per month for a period of sixty (60) months, which is the term of the probationary period hereinafter imposed.

16. Except as set forth in this Decision, all other allegations in the Accusation are found to lack merit or to be extraneous. All objections and motions raised by respondent and not specifically addressed in this Decision or at the hearing are hereby found to be without merit.

#### LEGAL CONCLUSIONS

1. Cause exists, pursuant to Section 4301(k) of the Business and Professions Code, to suspend or revoke the Pharmacist's License of respondent, Morris Jack Stavnezer, for unprofessional conduct arising from respondent's April 25, 1997 conviction of one felony count of possession of a narcotic controlled substance (cocaine), by reason of Findings 1, 3, 4, 5 and 6.

2. Cause exists, pursuant to Section 4301(l) of the Business and Professions Code, to suspend or revoke the Pharmacist's License of respondent, Morris Jack Stavnezer, for unprofessional conduct, arising from respondent's April 25, 1997 conviction of possession of a narcotic controlled substance (cocaine), a crime which is substantially related to the qualifications, functions and duties of a licensed pharmacist, by reason of Findings 1, 3, 4, 5 and 7.

3. Cause exists, pursuant to Section 490 of the Business and Professions Code, to suspend or revoke the Pharmacist's License of respondent, Morris Jack Stavnezer, based upon his April 25, 1997 conviction of possession of a narcotic controlled substance (cocaine), a crime which is substantially related to the qualifications, functions and duties of a licensed pharmacist, by reason of Findings 1, 3, 4, 5 and 8.

4. Cause exists, pursuant to Section 125.3 of the Business and Professions Code, to order respondent, Morris Jack Stavnezer, to pay the sum of \$6,600.00 to the Board of

Pharmacy, at a monthly rate of \$110.00, as the reasonable cost of the investigation and enforcement of this case, by reason of Finding 15.

5. Although cause does exist to revoke the Pharmacist's License of respondent, Morris Jack Stavnezer, this is an appropriate case in which to stay the revocation and to grant respondent a probationary license, upon the terms and conditions set forth hereinafter, based upon Findings 1, 9, 10, 11, 12, 13 and 14.

### **ORDER**

Pharmacist's License No. RPH 27527, issued by the California State Board of Pharmacy to respondent, Morris Jack Stavnezer, is hereby revoked; provided however, that said revocation is stayed and respondent is placed on probation for a period of five (5) years from the effective date of this Decision, upon the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Board of Pharmacy, now or hereafter in effect. If respondent is hereafter convicted of a felony, or a crime substantially related to the qualifications, functions, or duties of a Pharmacist, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be considered a violation of the terms and conditions of any probationary license or registration issued to respondent.

**2. Reporting to the Board**

Respondent shall report to the Board or its designee quarterly. The report shall be made either in person or in writing, as directed. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made.

**3. Interview with the Board**

Upon receipt of reasonable notice, respondent shall appear in person for interviews with the Board or its designee upon request, at various intervals, at a location to be determined by the Board or its designee. Failure to appear for a scheduled interview without prior notification to Board staff shall be considered a violation of probation.

**4. Cooperation with Board Staff**

Respondent shall cooperate with the Board's inspection program and in the Board's monitoring and investigation of the respondent's compliance with the terms and conditions of his probation. Failure to so cooperate shall be considered a violation of probation.

**5. Peer review**

Respondent shall submit to peer review as deemed necessary by the Board.

**6. Continuing Education**

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist, as directed by the Board.

**7. Notice to Employers**

Respondent shall notify all present and prospective employers of the decision in Case No. 2175 and the terms, conditions and restrictions imposed on respondent by this decision.

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking new employment, respondent shall cause his employer to report to the Board in writing acknowledging that the employer has read the decision in Case No. 2175.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the pharmacist-in-charge and/or owner at every pharmacy at which he is to be employed or used, of the fact and terms of this disciplinary order in advance of the respondent commencing work at the pharmacy.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service as a pharmacist, whether the respondent is considered an employee or an independent contractor.

**8. No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge**

Respondent shall not supervise any intern pharmacist or perform any of the duties of a preceptor, nor shall respondent be the pharmacist-in-charge of any pharmacy licensed by the Board.

**9. No Ownership of Premises**

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereafter licensed by the Board.

**10. Abstain from Drug Use**

Respondent shall abstain completely from the personal use or possession of controlled substances and dangerous drugs. This order does not apply in instances where medications are lawfully prescribed to the respondent by a physician, dentist, or podiatrist for a legitimate illness or condition, and where respondent, upon request of the Board or its designee, provides documentation from the treating physician, dentist, or podiatrist that the prescription was legitimately issued and is a necessary part of the treatment of respondent.

**11. Random Fluid Testing**

Upon the request of the Board or its designee, with or without prior notice, respondent shall immediately submit to biological fluid testing. The length and frequency of this random testing requirement will be determined by the Board.

**12. Psychiatric Evaluation**

Upon the request of the Board or its designee, if the Board deems it to be necessary or appropriate, respondent shall undergo, at his own expense, psychiatric evaluation by a board-appointed or board-approved psychiatrist or psychotherapist. Respondent shall sign a release which authorizes the evaluator to furnish to the Board a current diagnosis and written report regarding the respondent's judgment and ability to function independently as a pharmacist with safety to the public.

If the psychiatrist or psychotherapist recommends, and the Board or its designee directs, that the respondent undergo psychotherapy, respondent shall, within thirty (30) days of written notice of the need for psychotherapy, submit to the Board or its designee, for its prior approval, the recommended program for ongoing psychotherapeutic care. Respondent shall undergo and continue psychotherapy, at respondent's own expense, until further notice from the Board. If respondent receives psychotherapy pursuant to this term of probation, respondent shall have the treating psychotherapist submit quarterly reports concerning respondent's treatment and progress to the Board or its designee.

**13. Reimbursement of Board Costs**

Respondent shall pay to the board the sum of \$6,600.00 towards its costs of investigation and prosecution of this case. Respondent shall pay said costs at the rate of \$110.00 per month for the sixty (60) month period of the probation hereby imposed.

If respondent fails to pay the costs as specified by the Board, the Board shall, without affording the respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary action which has been stayed.

**14. Probation Monitoring Costs**

Respondent shall pay the costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

**15. Status of License**

Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which probation is tolled.

If respondent's license expires by operation of law or otherwise, upon renewal or re-application, respondent's license shall be subject to all of the terms of this probation not previously satisfied.

**16. Notification of Employment/Mailing Address Change**

Within ten (10) days of a change in employment (either leaving or commencing employment) respondent shall so notify the Board in writing, including the address of the new employer. Within ten (10) days of a change of mailing address, respondent shall notify the Board in writing. If respondent works for or is employed through a pharmacy employment service, respondent shall, as requested, provide to the Board, or its designee, a work schedule indicating dates and location of employment.

**17. Tolling of Probation**

If respondent leaves California to reside or practice outside this state, respondent must notify the Board in writing of the dates of departure and return within ten (10) days of his departure or return. Periods of residency by respondent outside California, except when the respondent is actively practicing pharmacy within California, or periods of time during which respondent is practicing pharmacy outside California, shall not apply to reduction of the respondent's probationary period.

Should respondent, regardless of residency, for any reason cease practicing pharmacy in California, he must notify the Board in writing within ten (10) days of his cessation of the practice of pharmacy. If respondent thereafter resumes the practice of pharmacy, he must notify the Board in writing within ten (10) days of his resumption of the practice of pharmacy. The term "cessation of practice" means any period of time exceeding thirty (30) days in which respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the Business and Professions Code.

**18. Violation of Probation**

If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against respondent during the period of his probation, the Board shall have continuing jurisdiction, and the period of probation shall be extended, until the petition to revoke probation is heard and decided.

If respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all term and conditions have been met or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation and to impose the penalty which was stayed.

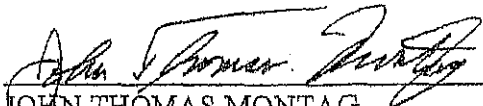
**19. Petition for Modification of Terms of Probation**

Upon successful completion of three (3) years of the Five (5) years of probation hereby imposed, respondent may petition the Board for termination or modification of the terms of his Probation.

**20. Completion of Probation**

Upon successful completion of probation, respondent's license will be fully restored.

Dated: October 30, 2002

  
JOHN THOMAS MONTAG  
Administrative Law Judge  
Office of Administrative Hearings

**EXHIBIT B**

Decision and Order, effective June 7, 2006  
*In the Matter of the Petition for Early Termination of Probation*  
by: *Morris Jack Stavnezer*, Case No. 2175

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

In the Matter of the Petition for  
Early Termination of Probation by:

MORRIS STAVNEZER  
9112 C. Fairview Avenue  
San Gabriel, Ca 91775

Pharmacist License No. RPH 27527

Petitioner.

Case No. 2175

OAH No. N2006040647

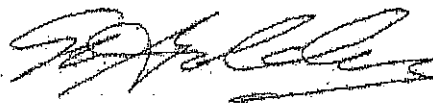
DECISION AND ORDER

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

This Decision shall become effective on June 7, 2006.

It is so ORDERED May 31, 2006.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

STANLEY GOLDENBERG R.Ph.  
Board President

I, SUSAN CAPPELLO, AM A DULY QUALIFIED WITNESS  
AND HAVE AUTHORITY TO CERTIFY THE RECORDS  
PROVIDED BY THE BOARD AND DO HEREBY CERTIFY  
THAT THESE DOCUMENTS ARE TRUE AND CORRECT  
COPIES OF RECORDS FROM THE FILES OF THIS AGENCY.

  
SUSAN CAPPELLO

Manager

California State Board of Pharmacy

4/3/13



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

In the Matter of the Petition for Early  
Termination of Probation by:

MORRIS STAVNEZER

Pharmacist License No. RPH 27527

Petitioner.

Case No. 2175

OAH No. N2006040647

DECISION

The Board of Pharmacy heard this matter on April 27, 2006, in Sacramento, California. Board members present and participating were Stanley Goldenberg, R.Ph., President; William Powers, Vice President; Marian Balay; Ruth Conroy, Pharm.D.; Clarence Hiura, Pharm.D.; John Jones, R.Ph.; Kenneth H. Schell, Pharm.D.; and Andrea Zinder. Administrative Law Judge Karen J. Brandt, Office of Administrative Hearings, presided.

Char Sachson, Deputy Attorney General, represented the Office of the Attorney General.

Morris Stavnezer (petitioner) appeared on his own behalf.

The matter was submitted on April 27, 2006.

FACTUAL FINDINGS

1. On November 12, 1971, the Board of Pharmacy (Board) issued Pharmacist License No. RPH 27527 to petitioner.

2. Effective January 22, 2003, the Board revoked petitioner's license, but stayed the revocation and placed petitioner on probation for five years with various terms and conditions. The discipline was based upon petitioner's two felony convictions for possession of cocaine, the first on April 25, 1997 and the second on January 6, 1998.

3. The terms and conditions of petitioner's probation included, among other things, that petitioner shall: (a) abstain completely from the personal use or possession of controlled substances and dangerous drugs; (b) not supervise any intern pharmacist, perform the duties of a preceptor or be a pharmacist-in-charge; and (c) reimburse to the Board the sum of \$6,600.00 toward the costs of investigation and prosecution. In addition, paragraph 19 of the terms and conditions provided that after successful completion of three years of probation, petitioner could petition the Board for termination or modification of the terms of his probation. Petitioner filed his petition for early termination of probation in accordance with paragraph 19.

4. In 1994, the community pharmacies for which petitioner worked closed and petitioner was unable to find work. It was during this period of unemployment that petitioner became addicted to cocaine. In 1998, after his second conviction, petitioner entered the Clare Foundation, a residential treatment facility in Santa Monica, California. While there, petitioner attended the Drug Court Program ordered by the court and actively participated in Alcoholics Anonymous, Narcotics Anonymous, and Cocaine Anonymous. On October 21, 1999, the Clare Foundation awarded petitioner a Certificate of Completion in recognition of his successful completion of the Clarity Drug Court Program. According to petitioner, he has been clean and sober since 1998. There was no indication that petitioner has engaged in any illegal drug use since that time. In 2001, both of petitioner's convictions were dismissed under Penal Code section 1203.4.

5. Petitioner asserted that he never illegally used any drugs while at work. Since September 2000, petitioner has been working as a pharmacist at Webster's Neighborly Pharmacy in Altadena, California. Webster's continued to employ petitioner after he was placed on probation. Barry S. Brotman, Pharm.D., Webster's Pharmacist-in-Charge when petitioner was first hired, wrote a letter of support for petitioner on August 9, 2002, when petitioner was disciplined by the Board. In that letter, Dr. Brotman described petitioner as an "excellent and knowledgeable pharmacist," who was "punctual, kind and compassionate to [their] customers, and wonderful to [their] employees." Dr. Brotman also wrote a letter dated October 19, 2005, in support of petitioner's petition for early termination of probation. In that letter, Dr. Brotman described petitioner's work as "always of the highest standards" and his ability to counsel patients as "exceptional."

6. Michael I. Miller, the current Pharmacist-in-Charge at Webster's, also wrote a letter in support of petitioner. In his letter, dated January 6, 2006, Dr. Miller stated that he has "been impressed with [petitioner's] professional expertise and knowledge" and has found him to be "a caring and trustworthy professional pharmacist." His letter also states that he is aware of petitioner's probationary status and that, to his knowledge, petitioner has "adhered to all the requirements" of his probation.

7. According to petitioner, he has a very strong support network. In addition to letters from Drs. Brotman and Miller, petitioner submitted 11 other letters in support of his petition from friends and other persons familiar with his criminal record and his successful

efforts at rehabilitation. These letters attest to petitioner's active participation in community service and his commitment to sobriety.

8. Petitioner asserted that his probationary status has had a negative impact on his career. When Dr. Brotman left Webster's, petitioner could not be considered for the Pharmacist-in-Charge position because he was on probation. In addition, his probationary status is preventing him from making any career changes. He is currently 66 years old. He is considering changing jobs in order to work fewer hours. Other pharmacies he has contacted have informed him that they would not hire a pharmacist who is on probation.

9. Petitioner submitted certificates that indicated that he had taken 40 hours of Board-approved continuing education in 2004 and 2005.

10. In compliance with the terms and conditions of his probation, petitioner has been paying \$110.00 per month to reimburse the Board for the \$6,600.00 in assessed costs. As of the date of the hearing, there was still \$2420.00 in costs remaining unpaid. As a condition of termination of petitioner's probation, petitioner must first fully pay all the costs that have been assessed against him.

#### LEGAL CONCLUSIONS

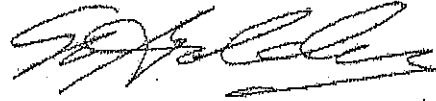
1. Although petitioner has completed only three years of his five-year term of probation, his record of rehabilitation goes back more years. Over eight years have elapsed since his last conviction; petitioner has been clean and sober for all this time. He had already successfully completed the Drug Court Program before he was placed on probation. The information presented to the Board indicates that petitioner was an active participant in his rehabilitation efforts and has pursued a healthy and sober lifestyle since 1998. Both of the Pharmacists-in-Charge who have supervised petitioner during his probation praised petitioner as a caring, trustworthy and knowledgeable pharmacist. In his petition and at hearing, petitioner took full responsibility for his past misconduct. At this point, the Board's probation has served its purpose and termination would be appropriate, upon petitioner's payment of all outstanding costs.

2. Cause for termination of petitioner's probation, upon his payment of all costs, has been established.

ORDER

The petition of Morris Staynezer for early termination of probation is hereby GRANTED, conditioned upon payment in full of all outstanding costs. Upon payment in full of all outstanding costs and termination of probation, Pharmacist License No. RPH 27527 issued to petitioner shall be fully restored.

DATED: May 31, 2006



STANLEY GOLDENBERG, R.Ph.  
President  
Board of Pharmacy