OFFICE OF ADMINISTRATIVE HEARINGS
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BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of the Petition for Interim Order of Suspension Against: **MICHAEL WILLIAM WITHERBY** **21102 White Horse Lane** **Huntington Beach, CA 92646** Respondent.	Case No. 5163 OAH Case No. 2017 03 0931 **STIPULATED INTERIM SUSPENSION OF LICENSE** **[Bus. and Prof. Code, § 494]** Date: April 5, 2017 Time: 9:00 am Place: Office of Administrative Hearings San Diego, California

IT IS HEREBY STIPULATED by and between the parties, Complainant and Petitioner, Virginia Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, represented by Xavier Becerra, Attorney General of the State of California and by Diane de Kervor, Deputy Attorney General, and Respondent Michael William Witherby that:

1. On March 20, 2017, Petitioner filed a noticed Petition for an Interim Suspension Order against Respondent pursuant to Business and Professions Code section 494;

2. The hearing on that petition has been set for April 5, 2017 at the San Diego Office of Administrative Hearings;

3. Respondent denies all allegations, but in order to save time and expense, agrees to the interim suspension of his Pharmacy Board License No. RPH 38874 which will expire on May 31, 2018, unless renewed (California License). Respondent's California License shall be suspended

as of the date he signs this stipulation until a final decision is issued by the Board in the Accusation Matter. The interim suspension is not a final action.

4. Respondent further waives his right to a hearing on the Petition pursuant to Business and Professions Code section 494(c).

5. Respondent and Petitioner further agree to the following timelines pursuant to Business and Professions Code section 494(f):

a. The board shall file an Accusation within 15 days of the issuance of this order;

b. If Respondent files a notice of defense, the parties shall request an administrative hearing within 30 days after he files the notice of defense; and

c. A decision shall be rendered on the Accusation no later than 30 days after the submission of the matter.

IT IS SO STIPULATED.

DATED: 03/24/2017

MICHAEL WILLIAM WITHERBY
Respondent

DATED: 3/27/17

DIANE DE KERVOR
Deputy Attorney General
Attorney for Complainant/Petitioner

IT IS SO ORDERED pursuant to the above Stipulation that Respondent's Pharmacy Board License No. RPH 38874 is temporarily suspended and Respondent Michael William Witherby is prohibited from practicing pharmacy until final disposition of Accusation against him.

It is further ordered that the hearing currently scheduled for April 5, 2017 is vacated.

DATED: March 27, 2017

Robert Walker
Administrative Law Judge
Office of Administrative Hearings

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