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

12 In the Matter of the Accusation Against:

Case No. 4236

13 **MICHAEL STUART CAMPBELL**  
1756 Carmel Drive, #107  
Walnut Creek, CA 94596

**ACCUSATION**

14 **Pharmacist License No. 65141**

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.

21 2. On or about December 30, 2010, the Board of Pharmacy issued Pharmacist License  
22 Number 65141 to Michael Stuart Campbell (Respondent). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought in this Accusation and will expire on  
24 March 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code (Code) unless otherwise indicated.



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7. Code section 4301 states, in part:

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

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...

(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.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . [T]he record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline . . . A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision.

**REGULATORY PROVISION**

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

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

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1 **COST RECOVERY**

2 9. Code section 125.3 states, in part, that the Board may request the administrative law  
3 judge to direct a licentiate found to have committed a violation or violations of the licensing act to  
4 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Substantially Related Convictions)**

7 10. Respondent's license is subject to disciplinary action under Code section 490, as  
8 defined by California Code of Regulations, title 16, section 1770, in that he was convicted of  
9 crimes substantially related to the qualifications, functions, and duties of a pharmacist. The  
10 circumstances are as follows:

11 11. On or about September 20, 2011, in a criminal matter entitled *The People of the State*  
12 *of California v. Michael Stuart Campbell*, Case No. 155167-0, in Contra Costa Superior Court,  
13 Respondent was convicted by plea of no contest for violating Penal Code section 69 (Resisting  
14 Executive Officer), a felony. The court sentenced Respondent to serve 120 days in jail and 2  
15 years of court probation, banned him from possessing firearms for life, and ordered him to  
16 comply with other terms and conditions.

17 12. The factual circumstances of the 2011 conviction are that on or about August 2, 2011,  
18 the Walnut Creek Police Department was dispatched to provide medical attention to a woman at  
19 Respondent's address. Respondent was agitated, aggressive, screamed at the attending police  
20 officers and ambulance medical staff and obstructed their access to the injured woman.

21 Respondent pushed one of the attending police officers to the ground and attempted to bite the  
22 arm of another police officer. Respondent was restrained by taser and handcuffs. On the same  
23 date, at the Martinez Detention Facility during his arrest intake, Respondent wrestled with Contra  
24 Costa County Sherriff's Office deputies and threw one of them to the ground.

25 13. On or about September 20, 2011, in a criminal matter entitled *The People of the State*  
26 *of California v. Michael Stuart Campbell*, Case No. 151091-6, in Contra Costa Superior Court,  
27 Respondent was convicted by plea of no contest for violating Vehicle Code section 23152,  
28 subdivision (a), (Driving Under the Influence of Alcohol), a misdemeanor. Respondent admitted

1 to a prior conviction for violating Vehicle Code section 23152, subdivision (a) on April 17, 2008.  
2 The court sentenced Respondent to serve 120 days in jail and 2 years of court probation and  
3 ordered him to complete a drinking driver program and to comply with other terms and  
4 conditions.

5 14. The factual circumstances of the 2011 conviction are that on or about August 21,  
6 2010, a citizen called the Pleasant Hill Police Department to report a suspected drunk driver. The  
7 arresting officer observed Respondent swerving and hit a median traffic barrier and that  
8 Respondent's breath had a strong odor of alcohol. Respondent denied drinking alcohol and then  
9 admitted to drinking one shot of gin.

10 15. On or about April 17, 2008, in a criminal matter entitled *The People of the State of*  
11 *California v. Michael Stuart Campbell*, Case No. VCR195116, in the Solano County Superior  
12 Court, Respondent was convicted by plea of no contest for violating Vehicle Code section 23152,  
13 subdivision (a), (Driving Under the Influence of Alcohol), a misdemeanor.

14 16. The factual circumstances of the 2008 conviction are that on or about March 25,  
15 2007, a citizen called the Solano County Sheriff's Department to report a hit and run collision.  
16 The arresting officer observed Respondent driving slowly away from the scene of the accident  
17 while the airbags were still deployed and that the front end of Respondent's vehicle suffered  
18 major damage. The officer also observed an open bottle of vodka in the vehicle, that  
19 Respondent's breath had a strong odor of alcohol and that his eyes were red and watery.  
20 Respondent's blood alcohol level was .20%.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct: Commission of Act of Moral Turpitude)**

23 17. Respondent's license is subject to disciplinary action under Code section 4301,  
24 subdivision (f), in that he committed an act involving moral turpitude, dishonesty, fraud, deceit,  
25 or corruption. The circumstances are more particularly set forth in Paragraphs 11 and 12, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Use of Alcohol to a Dangerous Extent)**

3 18. Respondent's license is subject to disciplinary action under Code section 4301,  
4 subdivision (h), in that he used alcoholic beverages to the extent or in a manner as to be  
5 dangerous or injurious to himself and/or to the public, as more particularly set forth in Paragraphs  
6 13 through 16, above.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct: Convictions Involving Alcohol)**

9 19. Respondent's license is subject to disciplinary action under Code section 4301,  
10 subdivision (k), in that he was convicted of more than one misdemeanor involving the use,  
11 consumption, or self-administration of an alcoholic beverage, as more particularly set forth in  
12 Paragraphs 13 through 16, above.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct: Substantially Related Convictions)**

15 20. Respondent's license is subject to disciplinary action under Code section 4301,  
16 subdivision (l), as defined by California Code of Regulations, title 16, section 1770, in that he  
17 was convicted of crimes substantially related to the qualifications, functions, and duties of a  
18 pharmacist. The circumstances are more particularly set forth in Paragraphs 11 through 16,  
19 above.

20 **DISCIPLINARY CONSIDERATIONS**

21 21. To determine the degree of discipline, if any, to be imposed on Respondent,  
22 Complainant alleges that on or about September 28, 2009, in a prior action, the Board of  
23 Pharmacy issued Citation Number 07-37084 and ordered Respondent to pay a fine of \$500.00.  
24 That Citation is now final and is incorporated by reference as if fully set forth.

25 22. To determine the degree of discipline, if any, to be imposed on Respondent,  
26 Complainant alleges that on or about March 13, 2011, Respondent was arrested for violating  
27 Health and Safety Code section 11550 (Under the Influence of a Controlled Substance) for  
28 ingesting two bottles of cough syrup and acting erratically. No criminal charges were filed.

1 23. To determine the degree of discipline, if any, to be imposed on Respondent,  
2 Complainant alleges that on or about May 1, 2011, Respondent was arrested for violating Penal  
3 Code section 240 (Assault) for being involved in a physical altercation with his girlfriend. No  
4 criminal charges were filed.

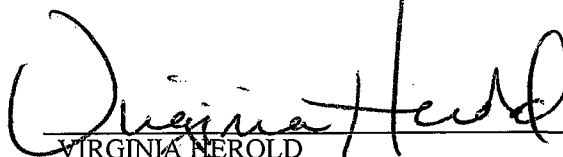
5 24. To determine the degree of discipline, if any, to be imposed on Respondent,  
6 Complainant alleges that on or about June 11, 2011, Respondent was arrested for violating  
7 Vehicle Code section 14601 (Driving with a Suspended License).

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
10 Accusation and that following the hearing, the Board of Pharmacy issue a decision:

- 11 1. Revoking or suspending Pharmacist License Number 65141, issued to Michael Stuart  
12 Campbell;
- 13 2. Ordering Michael Stuart Campbell to pay the Board of Pharmacy the reasonable costs  
14 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
15 section 125.3; and
- 16 3. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 5/30/12



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

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