

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **BRETT ROLAND BARTLETT**
13 **930 Idaho Maryland Road**
Grass Valley, CA 95945
14 **Designated Representative Certificate No.**
15 **EXC 17211**
16 Respondent.

Case No. 4779

A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about October 9, 2003, the Board of Pharmacy issued Designated
23 Representative Certificate Number EXC 17211 to Brett Roland Bartlett (Respondent). The
24 Designated Representative Certificate was in full force and effect at all times relevant to the
25 charges brought herein and will expire on October 1, 2013, unless renewed.

26 ///

27 ///

28 ///

1 JURISDICTION

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

5 4. Section 4300 of the Code states in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

16 5. Section 4300.1 of the Code states:

17 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
18 operation of law or by order or decision of the board or a court of law, the placement of a license
19 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
20 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
21 proceeding against, the licensee or to render a decision suspending or revoking the license."

22 6. Section 4301 of the Code states in pertinent part:

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

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

1 (j) The violation of any of the statutes of this state, or any other state, or of the United
2 States regulating controlled substances and dangerous drugs.

3 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
4 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
5 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
6 substances or of a violation of the statutes of this state regulating controlled substances or
7 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
8 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
9 The board may inquire into the circumstances surrounding the commission of the crime, in order
10 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
11 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
12 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
13 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
14 of this provision. The board may take action when the time for appeal has elapsed, or the
15 judgment of conviction has been affirmed on appeal or when an order granting probation is made
16 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
17 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
18 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
19 indictment.

20 7. Section 4060 of the Code states in pertinent part:

21 "No person shall possess any controlled substance, except that furnished to a person upon
22 the prescription of an authorized prescriber.

23 8. Health and Safety Code section (a) provides in pertinent part that every person who
24 possesses any controlled substance specified in subdivision (b) or (c) of Section 11055, unless
25 upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice
26 in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the
27 Penal Code.

28 ///

1 stealing OxyContin from the victim, and stated he knew the location of the pills because he had
2 seen the victim put them there when he was previously in the residence delivering oxygen.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Acts Involving Dishonesty)**

5 14. Respondent is subject to disciplinary action for unprofessional conduct under Code
6 section 4301, subdivision (f), in that on or about July 27, 2012, and August 1, 2012, Respondent
7 committed burglary by entering a residence where he knew he was not lawfully entitled to be and
8 taking items that he was not lawfully entitled to possess. The circumstances are as described in
9 paragraph 13, above.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Violation of Statutes Regulating Controlled Substances)**

12 15. Respondent is subject to disciplinary action for unprofessional conduct under Code
13 section 4301, subdivision (j) in that on or about July 27, 2012, and August 1, 2012, Respondent
14 was in possession of OxyContin, a Schedule II controlled substance, without a valid prescription
15 in violation of Code section 4060 and Health and Safety Code section 11055. The circumstances
16 are as described in paragraph 13, above.

17 16. Respondent is subject to disciplinary action for unprofessional conduct under Code
18 section 4301, subdivision (j) in that on or about July 27, 2012, and August 1, 2012, Respondent
19 obtained OxyContin, a Schedule II controlled substance by fraud, deceit, misrepresentation, or
20 subterfuge. The circumstances are as described in paragraph 13, above.

21 **PRAYER**

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

24 1. Revoking or suspending Designated Representative Certificate Number EXC 17211,
25 issued to Brett R. Bartlett

26 ///

27 ///

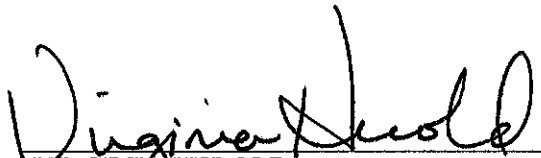
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ordering Brett R. Bartlett 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;

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

DATED: 10/3/13


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

SA2013111943
11133691.doc