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8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 ADAM DAVID PITTMAN
13 200 Harbor Drive, #503
14 San Diego, CA 92646
15 Pharmacist License No. RPH 51848
16 Respondent.

Case No. 2741
OAH No.
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
22 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Bill Lockyer, Attorney General of the State of California, by James M. Ledakis,
24 Deputy Attorney General.

25 2. Respondent Adam David Pittman (Respondent) is representing himself in
26 this proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about September 7, 2000, the Board issued Pharmacist License No.
28 RPH 51848 to Respondent. The license will expire on August 31, 2007, unless renewed.

1 JURISDICTION

2 4. Accusation No. 2741 was filed before the Board, and is currently pending
3 against Respondent. The Accusation and all other statutorily required documents were properly
4 served on Respondent on March 1, 2005. Respondent timely filed his Notice of Defense
5 contesting the Accusation. A copy of Accusation No. 2741 is attached as exhibit A and
6 incorporated herein by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, and understands the charges and allegations
9 in Accusation No. 2741. Respondent has also carefully read, and understands the effects of this
10 Stipulated Settlement and Disciplinary Order.

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

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

20 CULPABILITY

21 8. Respondent understands and agrees that the charges and allegations in
22 Accusation No. 2741, if proven at a hearing, constitute cause for imposing discipline upon his
23 Pharmacist License.

24 9. For the purpose of resolving the Accusation without the expense and
25 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
26 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
27 his right to contest those charges.

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1 10. Respondent agrees that his Pharmacist License is subject to discipline and
2 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
3 Order below.

4 **CONTINGENCY**

5 11. The parties understand and agree that facsimile copies of this Stipulated
6 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
7 force and effect as the originals.

8 12. In consideration of the foregoing admissions and stipulations, the parties
9 agree that the Board may, without further notice or formal proceeding, issue and enter the
10 following Disciplinary Order:

11 **DISCIPLINARY ORDER**

12 IT IS HEREBY ORDERED that Pharmacist License No. RPH 51848 issued to
13 Adam David Pittman is revoked. However, the revocation is stayed and Respondent is placed on
14 probation for five (5) years on the following terms and conditions.

15 1. **Obey All Laws.** Respondent shall obey all state and federal laws and
16 regulations substantially related to or governing the practice of pharmacy.

17 Respondent shall report any of the following occurrences to the Board, in
18 writing, within 72 hours of such occurrence:

- 19 • an arrest or issuance of a criminal complaint for violation of any provision of
20 the Pharmacy Law, state and federal food and drug laws, or state and federal
21 controlled substances laws
- 22 • a plea of guilty or nolo contendere in any state or federal criminal proceeding
23 to any criminal complaint, information or indictment
- 24 • a conviction of any crime
- 25 • discipline, citation, or other administrative action filed by any state and federal
26 agency which involves Respondent's license or which is related to the practice
27 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
28 or charging for any drug, device or controlled substance.

1 2. **Reporting to the Board.** Respondent shall report to the Board
2 quarterly. The report shall be made either in person or in writing, as directed. Respondent
3 shall state under penalty of perjury whether there has been compliance with all the terms and
4 conditions of probation. If the final probation report is **not** made as directed, probation shall
5 be extended automatically until such time as the final report is made and accepted by the
6 Board.

7 3. **Interview with the Board.** Upon receipt of reasonable notice,
8 Respondent shall appear in person for interviews with the Board upon request at various
9 intervals at a location to be determined by the Board. Failure to appear for a scheduled
10 interview without prior notification to Board staff shall be considered a violation of probation.

11 4. **Cooperation with Board Staff.** Respondent shall cooperate with the
12 Board's inspection program and in the Board's monitoring and investigation of Respondent's
13 compliance with the terms and conditions of his probation. Failure to comply shall be
14 considered a violation of probation.

15 5. **Continuing Education.** Respondent shall provide evidence of efforts
16 to maintain skill and knowledge as a pharmacist as directed by the Board.

17 6. **Notice to Employers.** Respondent shall notify all present and
18 prospective employers of the decision in case number 2741 and the terms, conditions and
19 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
20 this decision, and within 15 days of Respondent undertaking new employment, Respondent
21 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
22 writing acknowledging the employer has read the decision in case number 2741.

23 If Respondent works for or is employed by or through a pharmacy employment
24 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
25 every pharmacy of the and terms conditions of the decision in case number 2741 in advance of
26 the Respondent commencing work at each pharmacy.

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

4 7. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
5 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
6 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
7 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
8 order.

9 8. **Reimbursement of Board Costs.** Respondent shall pay to the Board
10 its costs of investigation and prosecution in the amount of \$6,000.00. Respondent shall make
11 quarterly payments over time to be worked out with the probation monitor and paid in full as a
12 pre-condition of successful completion of probation.

13 The filing of bankruptcy by Respondent shall not relieve Respondent of his
14 responsibility to reimburse the Board its costs of investigation and prosecution.

15 9. **Probation Monitoring Costs.** Respondent shall pay the costs
16 associated with probation monitoring as determined by the Board each and every year of
17 probation. Such costs shall be payable to the Board at the end of each year of probation.
18 Failure to pay such costs shall be considered a violation of probation.

19 10. **Status of License.** Respondent shall, at all times while on probation,
20 maintain an active current license with the Board, including any period during which
21 suspension or probation is tolled. If Respondent's license expires or is canceled by operation
22 of law or otherwise, upon renewal or reapplication, Respondent's license shall be subject to all
23 terms and conditions of this probation not previously satisfied.

24 11. **License Surrender while on Probation/Suspension.** Following
25 the effective date of this decision, should Respondent cease practice due to retirement or
26 health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent
27 may tender his license to the Board for surrender. The Board shall have the discretion whether
28 to grant the request for surrender or take any other action it deems appropriate and reasonable.

1 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject
2 to the terms and conditions of probation.

3 Upon acceptance of the surrender, Respondent shall relinquish his pocket
4 license to the Board within 10 days of notification by the Board that the surrender is accepted.
5 Respondent may not reapply for any license from the Board for three years from the effective
6 date of the surrender. Respondent shall meet all requirements applicable to the license sought
7 as of the date the application for that license is submitted to the Board.

8 **12. Notification of Employment/Mailing Address Change.** Respondent
9 shall notify the Board in writing within 10 days of any change of employment. Said
10 notification shall include the reasons for leaving and/or the address of the new employer,
11 supervisor or owner and work schedule if known. Respondent shall notify the Board in
12 writing within 10 days of a change in name, mailing address or phone number.

13 **13. Psychotherapy.** Within 30 days of the effective date of this decision,
14 Respondent shall submit to the Board, for its prior approval, the name and qualifications of a
15 licensed mental health practitioner of Respondent's choice. Should Respondent, for any
16 reason, cease treatment with the approved licensed mental health practitioner, Respondent
17 shall notify the Board immediately and, within 30 days of ceasing treatment, submit the name
18 of a replacement psychotherapist or licensed mental health practitioner of Respondent's choice
19 to the Board for its prior approval.

20 Therapy shall be at least once a week unless otherwise determined by the
21 Board. Respondent shall provide the therapist with a copy of the Board's accusation and
22 decision no later than the first therapy session. Respondent shall take all necessary steps to
23 ensure that the treating therapist submits written quarterly reports to the Board concerning
24 Respondent's fitness to practice, progress in treatment, and to provide such other information
25 as may be required by the Board. If the treating therapist finds that Respondent cannot
26 practice safely or independently, the therapist shall notify the Board immediately by telephone
27 and followed up by written letter within three working days.

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1 Upon approval of the licensed mental health practitioner, Respondent shall
2 undergo and continue treatment with that therapist and at Respondent's own expense, until the
3 Board deems that no further psychotherapy is necessary. The Board may require Respondent
4 to undergo a mental health evaluation(s) by a Board-appointed or Board-approved licensed
5 mental health practitioner.

6 **14. Rehabilitation Program - Pharmacists Recovery Program (PRP).**

7 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
8 Recovery Program for evaluation and shall successfully participate in and complete the
9 treatment contract and any subsequent addendums as recommended and provided by the PRP
10 and as approved by the Board. The costs for PRP participation shall be borne by the
11 Respondent.

12 If Respondent is currently enrolled in the PRP, said participation is now
13 mandatory and is no longer considered a self-referral under Business and Professions Code
14 section 4363, as of the effective date of this decision. Respondent shall successfully
15 participate in and complete his current contract and any subsequent addendums with the PRP.
16 Probation shall be automatically extended until Respondent successfully completes his
17 treatment contract. Any person terminated from the program shall be automatically suspended
18 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
19 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
20 probation for any violation of this term.

21 **15. Random Drug Screening.** Respondent, at his own expense, shall
22 participate in random testing, including but not limited to biological fluid testing (urine,
23 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
24 The length of time shall be for the entire probation period and the frequency of testing will be
25 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
26 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
27 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
28 directed shall constitute a violation of probation. Any confirmed positive drug test shall result

1 in the immediate suspension of practice by Respondent. Respondent may not resume the
2 practice of pharmacy until notified by the Board in writing.

3 16. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
4 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
5 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
6 practitioner as part of a documented medical treatment. Upon request of the Board,
7 Respondent shall provide documentation from the licensed practitioner that the prescription
8 was legitimately issued and is a necessary part of the treatment of the Respondent.

9 17. **No Ownership of Premises.** Respondent shall not own,
10 have any legal or beneficial interest in, or serve as a manager, administrator, member, officer,
11 director, associate, or partner of any business, firm, partnership, or corporation currently or
12 hereinafter licensed by the Board. Respondent shall sell or transfer any legal or beneficial
13 interest in any entity licensed by the Board within 90 days following the effective date of this
14 decision and shall immediately thereafter provide written proof thereof to the Board.

15 18. **Tolling of Probation.** Should Respondent, regardless of residency, for
16 any reason cease practicing pharmacy for a minimum of 80 hours per calendar month in
17 California, Respondent must notify the Board in writing within 10 days of cessation of the
18 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
19 shall not apply to the reduction of the probation period. It is a violation of probation for
20 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
21 period exceeding three years. Cessation of practice" means any period of time exceeding 30
22 days in which Respondent is not engaged in the practice of pharmacy as defined in Section
23 4052 of the Business and Professions Code.

24 Respondent shall work at least 40 hours in each calendar month as a pharmacist and at
25 least an average of 80 hours per month in any six consecutive months. Failure to do so will be
26 a violation of probation. If Respondent has not complied with this condition during the
27 probationary term, and Respondent has presented sufficient documentation of his good faith
28 efforts to comply with this condition, and if no other conditions have been violated, the Board,

1 in its discretion, may grant an extension of Respondent's probation period up to one year
2 without further hearing in order to comply with this condition.

3 **19. Violation of Probation.** If Respondent violates probation in any
4 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
5 probation and carry out the disciplinary order which was stayed. If a petition to revoke
6 probation or an accusation is filed against Respondent during probation, the Board shall have
7 continuing jurisdiction and the period of probation shall be extended, until the petition to
8 revoke probation or accusation is heard and decided.

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

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1 20. Completion of Probation. Upon successful completion of probation,
2 Respondent's license will be fully restored.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I
5 understand the stipulation and the effect it will have on my Pharmacist License. I enter into
6 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
7 and agree to be bound by the Decision and Order of the Board.

8 DATED: 3/17/06.

9 
10 _____
11 ADAM DAVID PITTMAN (Respondent)

12 **ENDORSEMENT**

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby
14 respectfully submitted for consideration by the Board.

15
16 DATED: March 23, 2006.

17
18 BILL LOCKYER, Attorney General
of the State of California

19 

20
21 JAMES M. LEDAKIS
Deputy Attorney General

22 Attorneys for Complainant
23

24 DOJ Matter ID: SD2004801531
25 70039557.wpd
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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ADAM DAVID PITTMAN

200 Harbor Drive, #503
San Diego, CA 92646

Pharmacist License No. RPH 51848

Respondent.

Case No. 2741

OAH No.

DECISION AND ORDER


The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board, as its Decision in this matter.

This Decision shall become effective on May 31, 2006.

It is so ORDERED May 1, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2741

1 BILL LOCKYER, Attorney General
of the State of California
2 TIMOTHY L. NEWLOVE, State Bar No. 73428
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

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6 Telephone: (619) 645-3034
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 2741

13 ADAM DAVID PITTMAN
200 Harbor Drive, # 503
14 San Diego, CA 92646

A C C U S A T I O N

15 Pharmacist License No. 51848

16 Respondent.

17
18 The Complainant, Patricia F. Harris, for cause of accusation against ADAM
19 DAVID PITTMAN, alleges as follows:

20 **PARTIES**

21 1. The Complainant, Patricia F. Harris, is the Executive Officer of the
22 California State Board of Pharmacy (hereinafter the "Board") and makes this Accusation solely
23 in her official capacity.

24 2. On or about September 7, 2000, the Board issued Original Pharmacist
25 License Number RPH 51848 to respondent ADAM DAVID PITTMAN (hereinafter respondent
26 "PITTMAN"). At all times material herein, respondent PITTMAN was and currently is licensed
27 by the Board as a registered pharmacist. The license expires on August 31, 2006, unless
28 renewed.

1 **JURISDICTION**

2 3. Complainant brings this Accusation under the power vested in the Board
3 in Business and Professions Code section 4300(a) to suspend or revoke licenses issued by the
4 Board pursuant to the California Pharmacy Act, Chapter 9, Division 2, section 4000 et seq. of the
5 Business and Professions Code.

6 **FACTS**

7 **Walgreens Pharmacy**

8 4. In or about June, 2003, respondent PITTMAN was employed as a
9 pharmacist at Walgreens #3294, Original Pharmacy Permit No. PHY 40746, located at 2628
10 Mount Vernon Avenue, Bakersfield, California. Respondent worked at this Walgreens until
11 October, 2003. Respondent worked the night shift from 10:00 p.m. to 6:00 a.m.

12 5. In mid-September, 2003, respondent PITTMAN arrived late to work at
13 Walgreens, and exhibited the following strange and disoriented behavior:

14 a. Respondent expressed concern about a siren and an alarm, when
15 there was no alarm or noise.

16 b. Respondent crawled on the floor picking up lint and papers, saying
17 that such items were drugs.

18 c. Respondent told a Pharmacy Technician that there were drugs
19 throughout the store, including the windowsill.

20 d. Respondent locked himself in the store bathroom. When he left,
21 the bathroom was ransacked, and respondent told a Pharmacy Technician that there were
22 drugs in the bathroom. There were no drugs in the bathroom.

23 e. Respondent could not function as a pharmacist.

24 6. The next night, respondent PITTMAN worked at Walgreens, and
25 exhibited the following strange and disoriented behavior:

26 a. When respondent appeared for work, he was stumbling, his eyes
27 were red, he was unshaven, and his clothes were disheveled.

28 b. Respondent told a Pharmacy Technician that he did not get sleep

1 because his house had been broken into three times on the same day.

2 c. Respondent told a Pharmacy Technician that he could hear people
3 in his attic; that he thought that the people were making drugs up there; and that he had
4 looked in the attic and found everything "rewired up there."

5 d. Respondent stared at a pen in his hand and talked to the pen.

6 e. Respondent was not able to do his job as a pharmacist, and made a
7 mistake pouring a bottle of Vicodin ES into an automatic drug cell of Vicodin.

8 f. Respondent was requested to leave the pharmacy, and had to be
9 driven home.

10 g. On the drive home, respondent asked why there was police
11 following the car, but there was no police.

12 h. Upon arrival at his house, respondent was reluctant to exit the car,
13 stating that there were people out to get him.

14 i. Respondent could not walk straight from the car to the front door.

15 7. The next night, respondent PITTMAN worked at the Walgreens, and
16 exhibited the following strange and disoriented behavior:

17 a. Respondent told a Pharmacy Technician that his house had been
18 broken into three nights in a row; that people were waiting for him outside his house in
19 the bushes; that his landlord was rewiring the house; and that the landlord was turning the
20 house into a bomb.

21 **Psychological Evaluation**

22 8. On or about August 12, 2004, Complainant issued a Petition for an Order
23 to Compel Psychiatric Evaluation and an Order Compelling Psychiatric Evaluation requiring
24 respondent PITTMAN to be examined by a psychiatrist or psychologist. The Petition and Order
25 were issued under the authority of Business and Professions Code section 820, and based upon
26 respondent's conduct at Walgreens, described in paragraphs 5, 6 and 7 hereinabove.

27 9. On November 10 and 15, 2004, respondent presented for examination by a
28 Clinical Psychologist. On November 26, 2004, the examiner issued a report, entitled

1 Psychological Evaluation.

2 10. In the report, the examiner makes the following recommendations:

3 a. That respondent attend individual psychotherapy at least
4 two times each month for one year.

5 b. That the Board should apprise the treating therapist of
6 respondent's history and the need for his counseling.

7 c. That respondent sign a release authorizing his treating
8 therapist to consult with respondent's employer and with the Board to ensure
9 that all parties are aware of any compromising peculiarities or unsafe behaviors.

10 d. That, if concerns are raised through such therapy, respondent
11 should receive a psychiatric evaluation to determine if psychotropic medications
12 are indicated.

13 e. That respondent submit to 12 random drug tests, to be
14 reported directly to the Board, during a one-year period to help rule out any
15 presence of substance abuse.

16 **FIRST CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct)

18 11. Complainant incorporates herein by this reference the preamble and each
19 of the allegations set forth in paragraphs 1 through 7 hereinabove.

20 12. Business and Professions Code section 4301 provides, in part, that the
21 Board shall take action against any holder of a license who is guilty of unprofessional conduct.

22 13. The pharmacist license held by respondent PITTMAN is subject to
23 discipline under Business and Professions Code section 4300, in that respondent was guilty of
24 unprofessional conduct within the meaning of Business and Professions Code section 4301,
25 through his strange and disoriented behavior as a pharmacist at Walgreens, as described in
26 paragraphs 5, 6 and 7 hereinabove.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Mental or Physical Illness Affecting Competency)

3 14. Complainant incorporates herein this reference the preamble and each of
4 the allegations set forth in paragraphs 1 through 10 hereinabove.

5 15. Business and Professions Code section 822 provides as follows:

6 If a licensing agency determines that its licentiate's ability to practice his or her
7 profession safely is impaired because the licentiate is mentally ill, or physically ill
8 affecting competency, the licensing agency may take action by any one of the following
9 methods:

- 10 (a) Revoking the licentiate's certificate or license.
- 11 (b) Suspending the licentiate's right to practice.
- 12 (c) Placing the licentiate on probation.
- 13 (d) Taking such other action in relation to the licentiate as the
14 licensing agency in its discretion deems proper.

15 The licensing agency shall not reinstate a revoked or suspended certificate or
16 license until it has received competent evidence of the absence or control of the condition
17 which caused its action and until it is satisfied that with due regard for the public health
18 and safety the person's right to practice his or her profession may be safely reinstated.

19 16. The pharmacist license held by respondent PITTMAN is subject to
20 discipline under Business and Professions Code section 822, based upon the content and
21 recommendations of the Psychological Evaluation, described in paragraphs 8, 9 and 10
22 hereinabove.

23 **OWNERSHIP PROHIBITION**

24 17. Business and Professions Code section 4307(a) provides, in pertinent part,
25 that any person whose license has been revoked or is under suspension shall be prohibited from
26 serving as a manager, administrator, owner, member, officer, director, associate or partner of a
27 licensee.

28 18. Pursuant to Business and Professions Code section 4307(a), in the event
the license issued to respondent PITTMAN is revoked or placed on suspension, respondent shall
be prohibited from serving as a manager, administrator, owner, member, officer, director,
associate or partner of any licensee with rights issued by the Board.

1 COST RECOVERY

2 19. Business and Professions Code section 125.3(a) provides that, in any order
3 issued in resolution of a disciplinary proceeding before any board within the Department of
4 Consumer Affairs, the board may request the Administrative Law Judge to direct a licensee
5 found to have committed a violation or violations of the licensing act to pay a sum not to exceed
6 the reasonable costs of the investigation and enforcement of the case.

7 20. Under Business and Professions Code section 101(d), the California State
8 Board of Pharmacy was and is a board with the Department of Consumer Affairs of the State of
9 California. Pursuant to Business and Professions Code section 125.3(a), the Board hereby
10 requests the Administrative Law Judge who issues a Proposed Decision in this matter to include
11 an Order which provides for the recovery by the Board of the costs of investigation and
12 enforcement of this case against respondent PITTMAN, according to proof.

13
14 PRAYER

15 **WHEREFORE**, Complainant prays that a hearing be had and that the California
16 State Board of Pharmacy make its Order:

- 17 1. Revoking or suspending Pharmacist License Number RPH 51848, issued
18 to Respondent ADAM DAVID PITTMAN;
- 19 2. Disciplining Pharmacist License Number RPH 51848 issued to respondent
20 ADAM DAVID PITTMAN in accordance with Business and Professions Code section 822.
- 21 3. Prohibiting respondent ADAM DAVID PITTMAN from serving as a
22 manager, administrator, owner, member, officer, director, associate, or partner of a licensee,
23 pursuant to the provisions of Business and Professions Code section 4307(a).
- 24 4. Directing respondent ADAM DAVID PITTMAN to pay the California
25 State Board of Pharmacy the reasonable costs of the investigation and prosecution of this matter
26 pursuant to Business and Professions Code section 125.3(a), according to proof.

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5. Taking such further action as deemed necessary and proper.

DATED: 2/22/05

P. J. Harris
PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California

Complainant