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

14 In the Matter of the Accusation and
Petition to Revoke Probation Against:

Case No. 3198

15 ADAM DAVID PITTMAN
16 P.O. Box 353
Hemet, CA 92546

**DEFAULT DECISION
AND ORDER**

17 Pharmacist License No. RPH 51848

[Gov. Code, §11520]

18 Respondent.
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20
21 FINDINGS OF FACT

- 22 1. On or about December 29, 2008, Complainant Virginia K. Herold, in her
23 official capacity as the Executive Officer of the Board of Pharmacy, filed Petition to Revoke
24 Probation No. CI 2006 32444 against Adam David Pittman (Respondent) before the Board of
25 Pharmacy.
- 26 2. On or about September 7, 2000, the Board of Pharmacy issued Pharmacist
27 License No. RPH 51848 to Respondent. The Pharmacist License expired on August 31, 2008,
28 and has not been renewed.

3. On or about January 6, 2009, Charlette Sheppard, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation and Petition to Revoke Probation No. CI 2006 32444, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's mailing address of record with the Board, which was and is: P.O. Box 353, Hemet, CA, 92546. A copy of the Accusation and Petition to Revoke Probation is attached as exhibit A, and is incorporated herein by reference.

4. Service of the Accusation and Petition to Revoke Probation, to Respondent's mailing address of record as described above, was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. Service of the Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

6. On or about January 29, 2009, the aforementioned documents, contained in certified mail parcel number 7160 3901 9845 9584 5462, were returned to the Attorney General's Office and marked "Unclaimed" by the U.S. Postal Service. As of February 23, 2009, the first class mail parcel sent to Respondent's mailing address of record, containing the documents described above, has not been returned to the Attorney General's Office by the United State Postal Service.

7. On or about March 6, 2009, Charlette Sheppard, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke Probation No. CI 2006 32444, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's residence address of record with the Board, which was and is: 1149 Turquoise Street, Hemet, CA 92543.

8. On or about March 24, 2009, the aforementioned documents contained in certified mail parcel number 7160 3901 9848 2000 9805, and the first class mail parcel addressed to Respondent's residence address of record, were returned by the U.S. Postal Service marked "Unable To Forward, No Forward Order on File, Return to Postmaster of Addressee, and Forwarding Order Expired."

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1 January 27, 2007, Respondent was convicted, on his plea of guilty, of violating Vehicle
2 Code section 11352 (a) (driving under the influence of alcohol- second offense) and
3 Vehicle Code section 4106.2, subsection (a) (driving with suspended license) on or about
4 December 8, 2006, and on or about June 22, 2004, Respondent was convicted, on his plea
5 of guilty, of violating Vehicle Code section 23152 (a) (driving under the influence of
6 alcohol).

7 b. Business and Professions Code section 490 (Multiple Convictions
8 of Crimes Involving Use of Alcohol) in that he was convicted twice, within three years,
9 of driving under the influence of alcohol, as described above.

10 5. The Board of Pharmacy is authorized to revoke Respondent's Probation
11 that was previously ordered in the underlying matter of the Accusation Against Adam David
12 Pittman, No. 2741, effective May 31, 2006, based upon Respondent's violation of the
13 following conditions of his probation, as alleged in Accusation and Petition to Revoke Probation
14 No. CI 2006 324443198:

- 15 a. Probation Condition No. 1 (Failure to Obey All Laws);
16 b. Probation Condition No. 2 (Failure to Submit Quarterly Reports);
17 c. Probation Condition No. 8 (No Cost Recovery Payment);
18 d. Probation Condition No. 13 (Failure to Participate in
19 Psychotherapy); and,
20 e. Probation Condition No. 14 (Failure to Comply with Pharmacist
21 Recovery Program);

22 ORDER

23 IT IS SO ORDERED that Pharmacist License No. RPH 51848, heretofore issued
24 to Respondent Adam David Pittman, is revoked.

25 Pursuant to Government Code section 11520, subdivision (c), Respondent may
26 serve a written motion requesting that the Decision be vacated and stating the grounds relied on

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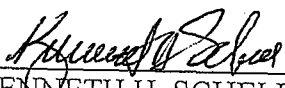
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1 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
2 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
3 statute.

4 This Decision shall become effective on July 24, 2009.

5 It is so ORDERED June 24, 2009

6
7 BOARD OF PHARMACY
8 DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 By 
11 KENNETH H. SCHELL
12 Board President

13 Attachment: Exhibit A: Petition to Revoke Probation No. 3198
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Exhibit A

Accusation and Petition to Revoke Probation No. 3198

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
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11 **BEFORE THE**
BOARD OF PHARMACY
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
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14 In the Matter of the Accusation and
Petition to revoke probation Against:

Case No. 3198

15 ADAM DAVID PITTMAN
16 P.O. Box 353
Hemet, CA 92546
17

**ACCUSATION AND
PETITION TO REVOKE
PROBATION**

18 Pharmacist License Number
RPH 51848

Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Virginia K. Herold (Complainant) brings this Accusation and Petition to
23 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
24 Pharmacy.

25 2. On or about September 7, 2000, the Board of Pharmacy issued Pharmacist
26 License No. RPH 51848 to Adam David Pittman (Respondent). Said license was suspended on
27 April 4, 2007, as described below at paragraph 34. The license expired on August 31, 2008, and
28 has not been renewed.

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3. This Accusation and Petition to Revoke Probation is brought before the

(a) Within 30 days after changing his or her address of record on the board or after changing his or her name according to law, a pharmacist, intern pharmacist, technician, or designated representative must notify the executive officer of the board of the change of address and change of name.

5. Section 4300 of the Code states:

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

(2) Placing him or her upon probation.

(4) Revoking his or her license.

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

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1 or to any other person or to the public, or to the extent that the use impairs the
2 ability of the person to conduct with safety to the public the practice authorized by
3 the license.

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

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

27 7. Section 482 of the Code states:

28 Each board under the provisions of this code shall develop criteria to
evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee.

8. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against
a licensee, 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.

(b) Notwithstanding any other provision of law, a board may exercise any
authority to discipline a licensee for conviction of a crime that is independent of
the authority granted under subdivision (a) only if the crime is substantially

1 related to the qualifications, functions, or duties of the business or profession for
2 which the licensee's license was issued.

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

10 (d) The Legislature hereby finds and declares that the application of this
11 section has been made unclear by the holding in *Petropoulos v. Department of*
12 *Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has
13 placed a significant number of statutes and regulations in question, resulting in
14 potential harm to the consumers of California from licensees who have been
15 convicted of crimes. Therefore, the Legislature finds and declares that this section
16 establishes an independent basis for a board to impose discipline upon a licensee,
17 and that the amendments to this section made by Senate Bill 797 of the 2007-08
18 Regular Session do not constitute a change to, but rather are declaratory of,
19 existing law.

12 9. Section 492 of the Code states:

13
14 Notwithstanding any other provision of law, successful completion of any
15 diversion program under the Penal Code, or successful completion of an alcohol
16 and drug problem assessment program under Article 5 (commencing with section
17 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
18 any agency established under Division 2 ([Healing Arts] commencing with
19 Section 500) of this code, or any initiative act referred to in that division, from
20 taking disciplinary action against a licensee or from denying a license for
21 professional misconduct, notwithstanding that evidence of that misconduct may
22 be recorded in a record pertaining to an arrest.

23 This section shall not be construed to apply to any drug diversion program
24 operated by any agency established under Division 2 (commencing with Section
25 500) of this code, or any initiative act referred to in that division.

26 10. Section 493 of the Code states:

27 Notwithstanding any other provision of law, in a proceeding conducted by
28 a board within the department pursuant to law to deny an application for a license
or to suspend or revoke a license or otherwise take disciplinary action against a
person who holds a license, upon the ground that the applicant or the licensee has
been convicted of a crime substantially related to the qualifications, functions, and
duties of the licensee in question, the record of conviction of the crime shall be
conclusive evidence of the fact that the conviction occurred, but only of that fact,
and the board may inquire into the circumstances surrounding the commission of
the crime in order to fix the degree of discipline or to determine if the conviction
is substantially related to the qualifications, functions, and duties of the licensee in
question.

As used in this section, 'license' includes 'certificate,' 'permit,'
'authority,' and 'registration.'

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

REGULATIONS

12. California Code of Regulations, title 16, section 1704, states:

Each person holding a certificate, license, permit, registration or exemption to practice or engage in any activity in the State of California under any and all laws administered by the Board shall file a proper and current residence address with the Board at its office in Sacramento and shall within 30 days notify the Board at its said office of any and all changes of residence address, giving both the old and new address.

13. 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.

14. California Code of Regulations, title 16, section 1769, subdivision(b), states:

When considering the suspension or revocation of a facility or personal license on the ground that the licensee or the registrant has been convicted of a crime, the board in evaluating the rehabilitation of such person and her present eligibility for a license will consider the following:

- (1) The nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) Time that has elapsed since the commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

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1 a. The facts and circumstances underlying Respondent's January 2007
2 conviction are that on or about December 8, 2006, a Hemet Police Department (HPD) officer
3 received a dispatch advisement of a suspected drunk driver. Soon thereafter, the officer saw that
4 a California Highway Patrol (CHP) officer was in the process of making a traffic stop of
5 Respondent's vehicle. The CHP officer initiated the traffic stop when he observed Respondent
6 driving his car down the wrong side of the road i.e., traveling west-bound in the east-bound
7 traffic lanes. The CHP officer had to swerve his patrol car in order to avoid being hit by
8 Respondent's car. The HPD officer smelled a strong odor of alcohol coming from Respondent's
9 person and observed Respondent's glassy, watery eyes. Respondent refused to perform a field
10 sobriety test. The HPD officer then arrested Respondent and transported him to the HPD where
11 Respondent submitted to a blood alcohol test.

12 b. Respondent was sentenced to the following: four (4) years summary
13 probation; fifteen (15) days in the custody of the Riverside County Jail to be served on
14 consecutive weekends beginning February 7, 2007; install an Ignition Interlock Device on all
15 vehicles owned or operated; complete Drinking Driver Program; submit to random fluid tests;
16 and, fines in the amount of approximately \$1,500.00.

17 c. On or about February 20, 2007, Respondent failed to appear for his
18 probation review hearing regarding installation of an Interlock Ignition Device on his vehicle(s).

19 d. On or about March 21, 2007, Respondent failed to appear for his probation
20 review hearing regarding his failure to install an Interlock Ignition Device on his vehicle.
21 Respondent's probation was immediately revoked and a bench warrant was issued for his arrest.

22 e. On or about August 30, 2007, Respondent failed to appear for his
23 probation review hearing regarding the following violation of his probation terms: Respondent
24 violated his probation term No. 1 in that he failed to comply with the court-ordered terms of his
25 probation; Respondent violated his probation term No. 2 in that he failed to report to the
26 Riverside County Jail on February 7, 2007, or on any date thereafter, to begin weekend custody;
27 Respondent violated his probation term No. 6 in that he failed to install an Interlock Ignition
28 Device on his vehicle(s); and, Respondent violated his probation term No. 7 in that he failed to

1 enroll in the Drinking Driver Program. A new bench warrant was issued for Respondent's arrest,
2 and bail on the warrant was increased from \$9,999.00 to \$15,000.00.

3 f. On or about June 27, 2008, Respondent admitted violating his probation
4 terms as alleged. Respondent's sentence was modified to require that he re-enrol in the Drinking
5 Driver Program and report to financial services within two (2) business days. All other terms of
6 probation were reinstated and it is scheduled for completion on or about January 23, 2011.

7 20. On or about July 22, 2004, in a criminal proceeding entitled *People v.*
8 *Adam David Pittman*, in Superior Court of Riverside County, Case No. SWM 026145,
9 Respondent was convicted, by his plea of guilty, of violating Vehicle Code section 23152,
10 subdivision (b) (driving under the influence of alcohol with a blood alcohol content greater
11 than 0.08). Respondent was sentenced to the following: three (3) years summary probation;
12 twenty five (25) days in the custody of the Riverside County Jail to be served on consecutive
13 weekends; complete First Time Offender DUI program; submit to random fluid tests; and, fines
14 in the amount of approximately \$1,400.00 (one thousand four hundred dollars).

15 a. On or about June 7, 2007, Respondent failed to appear for his hearing regarding
16 his violation of probation terms four (4) and five (5), failure to pay ordered fines and restitution.
17 Respondent's probation was revoked and a bench warrant was issued for his arrest, with bail set
18 at \$5,000.00 (five thousand dollars).

19 b. On or about June 27, 2007, Respondent admitted the alleged probation
20 violation. Respondent's probation was reinstated and his sentence was modified to require that
21 he report to financial services within two (2) business days. All other terms of Respondent's
22 probation were reinstated and were scheduled to expire on August 11, 2008.

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2 **PETITION TO REVOKE PROBATION**

3 **FIRST CAUSE TO REVOKE PROBATION**

4 (Failure to Comply with Terms and Conditions of Probation)

5 21. At all times after the effective date of Respondent's probation, Condition 1
6 stated:

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

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

10 * an arrest or issuance of a criminal complaint for violation of any
11 provision of the Pharmacy Law, state and federal food and drug laws, or state
and federal controlled substances laws

12 * a plea of guilty or nolo contendere in any state or federal criminal
13 proceeding to any criminal complaint, information or indictment

14 * a conviction of any crime

15 * discipline, citation, or other administrative action filed by any state and
16 federal agency which involves Respondent's license or which is related to the
practice of pharmacy or the manufacturing, obtaining, handling or distribution
or billing or charging for any drug, device or controlled substance.

17 22. Respondent's probation is subject to revocation because he failed to
18 comply with Probation Condition 1, referenced above, in that he failed to notify the Board of
19 his arrest, plea of guilty, or conviction in 2007 for violation of Vehicle Code sections 23152,
20 subdivisions (a) and (b), and section 14601.2, subdivision (a) (driving under the influence of
21 alcohol), and subdivision (b) (driving with a blood alcohol content greater than 0.08), and,
22 Vehicle Code section 4106.2, subdivision (a) (driving with suspended license). Further,
23 Respondent failed to notify the Board of his criminal probation violations and re-sentencing,
24 as described in detail above at paragraphs 19 and 20, which are incorporated herein by
25 reference.

26 23. Respondent's probation is subject to revocation because he failed to
27 comply with Probation Condition 1, referenced above, in that he failed to notify the Board of
28 his criminal probation violations and re-sentencing arising from his criminal conviction in

1 2004 for violation of Vehicle Code sections 23152, subdivision (b) (driving under the
2 influence of alcohol with a blood content higher than .08%), as described in detail above at
3 paragraph 21, which is incorporated herein by reference.

4 24. Respondent's probation is subject to revocation because he failed to
5 comply with Probation Condition 1, referenced above, in that he failed to obey title 16,
6 California Code of Regulations section 1704 and failed to notify the Board in writing within
7 thirty (30) days of change in his residence address, as required by follows.

8 a. On or about April 9, 2007, the Board sent a notice of suspended license to
9 Respondent's mailing address of record and to his residence address of record. The Board
10 received the Domestic Return Receipt for delivery to Respondent's mailing address, indicating
11 that the letter was received and signed for on April 16, 2007. The letter addressed to
12 Respondent's residence address of record was returned to the Board and marked "Forwarding
13 Order Expired-Return to Sender-Not Deliverable as Addressed" by the United States Postal
14 Service.

15 **SECOND CAUSE TO REVOKE PROBATION**

16 (Failure to Submit Quarterly Reports)

17 25. At all times after the effective date of Respondent's probation,
18 Condition 2 stated:

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

23 26. Respondent's probation is subject to revocation because he failed to
24 comply with Probation Condition 2, referenced above, in that he has failed to submit any of
25 approximately nine (9) required Quarterly Report(s) that were due on various dates of his
26 probation, from May 31, 2006, to September 30, 2008, since the beginning of his probation
27 and through the present date.
28

1 THIRD CAUSE TO REVOKE PROBATION

2 (Failure to Submit Cost Recovery Payments)

3 27. At all times after the effective date of Respondent's probation,

4 Condition 8 stated:

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

8 28. Respondent's probation is subject to revocation because he failed to
9 comply with Probation Condition 8, referenced above, in that he failed to make any cost
10 recovery payments. His current cost recovery balance remains at the original amount of
11 \$6,000.00 (six thousand dollars).

12 FOURTH CAUSE TO REVOKE PROBATION

13 (Failure to Comply with Pharmacist Recovery Program)

14 29. At all times after the effective date of Respondent's probation,

15 Condition 13 stated:

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

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

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

1 30. Respondent's probation is subject to revocation because he failed to
2 comply with Probation Condition 13, referenced above, in that he failed to submit to the
3 Board, for prior approval, the name and qualifications of a licensed mental health practitioner
4 who could and would provide psychotherapy for Respondent, as required by his probation
5 terms. Furthermore, Respondent failed to attend any psychotherapy treatments required by the
6 terms of his probation.

7 **FIFTH CAUSE TO REVOKE PROBATION**

8 (Failure to Comply with Pharmacist Recovery Program)

9 31. At all times after the effective date of Respondent's probation,
10 Condition 14 stated:

11 **Rehabilitation Program - Pharmacists Recovery Program (PRP).**

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

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

20 32. On or about July 7, 2006, Respondent contacted the Pharmacist in
21 Recovery Program ("PRP") and his intake was completed on July 14, 2006. During his
22 intake, Respondent received a full explanation of the PRP contract terms and he agreed to
23 comply. In fact, Respondent failed to comply with any of the PRP program terms and he was
24 terminated from the program on or about August 23, 2006, and was determined to be a public
25 safety risk based upon information Respondent provided during his PRP intake, regarding his
26 habitual and illegal use of illicit drugs and controlled substances, and upon his failure to
27 comply with any of the terms of the PRP.

28 ///

1 33. Respondent's probation is subject to revocation because he failed to
2 comply with his Probation Condition 14, referenced above, in that he failed to set up an
3 account with Compass Vision Inc., as required by the terms of his participation contract, such
4 that he failed to be available to complete required random body fluid testing. Respondent
5 began his participation in the program on or about July 14, 2006. Respondent failed to
6 comply with several of the terms of the program such that he was terminated from the
7 program on or about August 22, 2006.

8 34. Respondent's termination from the program resulted in the immediate
9 suspension of his pharmacist license, pursuant to the above Condition 14 of his probation.

10
11 **ACCUSATION**

12 35. Paragraphs Nos. 1 through 36, above, are incorporated herein by this
13 reference.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Unprofessional Conduct -
16 Use of Alcohol in a Manner Dangerous to Self and Public

17 36. Respondent is subject to disciplinary action under Code sections 4301,
18 subdivision (h), in that Respondent has used alcohol in a manner injurious to himself and
19 others in that he has done each of the following acts: driven a motor vehicle while under the
20 influence of alcohol on two separate occasions within less than three years, resulting in arrest;
21 and, been convicted of several crimes involving his dangerous use of alcohol, as described in
22 detail above at paragraphs 19 and 20, which are incorporated herein by reference.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct -
25 Multiple Convictions of Crimes Involving Use of Alcohol)

26 37. Respondent is subject to disciplinary action under Code section 4301
27 subdivisions (k), and (l) and Code section 490, in that Respondent has, on two separate
28 occasions within less than three years, been convicted of crimes involving his use of alcohol,

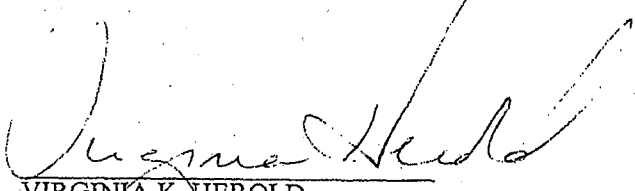
1 crimes that are substantially related to the qualifications, duties and functions of a licensed
2 pharmacist, as described in detail above at paragraphs 19 and 20, which are incorporated
3 herein by reference.

4 PRAYER

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

- 7 1. Revoking or suspending Original Pharmacist License Number
8 RPH 51848, issued to Adam David Pittman.
- 9 2. Ordering Adam David Pittman to pay the Board of Pharmacy the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 12/29/08

15
16 
17 VIRGINIA K. HEROLD
18 Executive Officer
19 Board of Pharmacy
20 State of California
21 Complainant

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