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

11 Case No. 3411

12 In the Matter of the Accusation Against:

13 MICHAEL EDWARD BROWN  
1038 Abeto Court  
Chula Vista, CA 91910

14 Pharmacist License No. RPH 37708

15 Respondent.

16 **ACCUSATION**

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 (Board), Department of Consumer Affairs.

21 2. On or about April 13, 1983, the Board issued Pharmacist License Number RPH  
22 37708 to Michael Edward Brown (Respondent). The Pharmacist License was in full force and  
23 effect at all times relevant to the charges brought herein and will expire on February 28, 2011,  
24 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.



1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Performing Duties While Under the Influence of Alcohol)**

5 9. Respondent is subject to disciplinary action under section 4301, subdivision (o), for  
6 violation of section 4327 in that Respondent Michael Edward Brown used alcoholic beverages  
7 while performing duties as a pharmacist at CVS Pharmacy #9113 located at 645 E. Palomar  
8 Street, Chula Vista, California. The circumstances are as follows:

9 10. In June 2008, an employee of the CVS Pharmacy #9113 arrived to work at 8:00 a.m.  
10 and found Respondent, while on duty as the pharmacist, holding onto the pharmacy counter with  
11 both hands holding himself up, and leaning backwards. When the CVS Pharmacy employee  
12 talked to Respondent and asked him a question, Respondent did not respond to her. The CVS  
13 Pharmacy employee came up next to Respondent, touched his shoulder, and repeated the  
14 question, and Respondent finally responded. The employee noted that Respondent smelled  
15 strongly of alcohol on both his breath as well as his clothing. Shortly thereafter, Respondent  
16 "disappeared" into the bathroom for at least 30 minutes. When Respondent finally come out of  
17 the bathroom, he had difficulty standing, and the CVS Pharmacy employee had to help him sit  
18 down. The CVS Pharmacy employee called the CVS store manager for assistance. By the time  
19 the CVS store manager arrived, Respondent had pulled himself to his feet and was "checking  
20 prescriptions." The CVS store manager also smelled alcohol on Respondent.

21 11. On or about August 5, 2008, an employee of CVS Pharmacy #9113 found Respondent  
22 "passed out" in the back storage room of the pharmacy at about 2:00 p.m. while Respondent was  
23 still on duty as the pharmacist. The CVS employee and CVS store manager woke Respondent up  
24 and he returned to his work at the CVS pharmacy. On or about August 6, 2008, Respondent was  
25 terminated by CVS Pharmacies for working while intoxicated.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Using Alcoholic Beverages to Extent Dangerous  
3 to Self and Others)

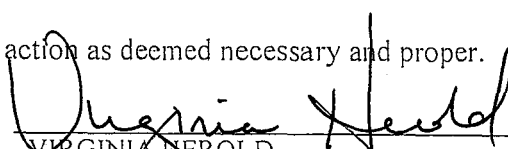
4 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
5 that between February 20, 2008 and August 5, 2008 Respondent Michael Edward Brown used  
6 alcoholic beverages to an extent dangerous to himself and others while performing duties as a  
7 pharmacist at CVS Pharmacy # 9113 located at 645 E. Palomar Street, in Chula Vista, California  
8 as set forth in paragraphs 9 through 11, above, which are incorporated here by this reference.

9 PRAYER

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

- 12 1. Revoking or suspending Pharmacist License Number RPH 37708 issued to  
13 Respondent Michael Edward Brown.
- 14 2. Ordering Respondent Michael Edward Brown to pay the Board of Pharmacy the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 1/25/10

  
19 VIRGINIA HEROLD  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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