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

11 In the Matter of the Accusation Against:

Case No. AC 3681

12 **STUART BLAKE TOMLIN**
13 **3653 Mammoth Cave Circle**
Stockton, CA 95209

A C C U S A T I O N

14 **Pharmacist License No. RPH 42645**

15 Respondent.

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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 August 4, 1989, the Board of Pharmacy issued Pharmacist License
22 Number RPH 42645 to Stuart Blake Tomlin (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on November
24 30, 2010, 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 unless otherwise indicated.

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4. 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 ("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."

5. Section 4301 of the Code states, in pertinent 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.

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

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

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1 injurious to himself, as alleged in paragraph nine (9).

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3 **THIRD CAUSE FOR DISCIPLINE**
4 **(Unlawful Possession of a Controlled Substance)**

5 13. Respondent is subject to disciplinary action under sections 4301(j) and (o) in that
6 Respondent violated the statutes of this state regulating controlled substances and dangerous
7 drugs, as alleged in paragraph nine (9).

8 **FOURTH CAUSE FOR DISCIPLINE**
9 **(Possession of a Controlled Substance without a Prescription)**

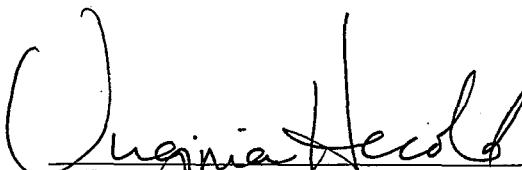
10 14. Respondent is subject to disciplinary action under section 4060 and Health and Safety
11 Code section 11350(a) in that Respondent was in possession of a narcotic controlled substance
12 without a prescription, as alleged in paragraph nine (9).

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacist License Number RPH 42645, issued to Stuart
17 Blake Tomlin
- 18 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 8/4/10


24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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accusation.rtf