

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
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. 4796

13 **NICHOLAS CAL VANDERSLOOT**
415 E. Modoc St.
14 Alturas, CA 96101

A C C U S A T I O N

15 **Pharmacist License No. 66743**

16 Respondent.
17

18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about December 19, 2011, the Board of Pharmacy issued Pharmacist License
23 Number 66743 to Nicholas Cal Vandersloot ("Respondent"). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on February 28,
25 2015, unless renewed.

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1 COST RECOVERY

2 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of Crime)

10 8. Respondent is subject to discipline under Code section 4301, subdivision (I), in that on
11 about April 23, 2013, in the matter of *People v. Nicholas Vandersloot* (Superior Court, Modoc
12 County Case No. M-13-144), Respondent was convicted on his plea of guilty of violating Penal
13 Code section 647, subdivision (f) (Public Intoxication), a misdemeanor. The circumstances are as
14 follows:

15 9. On or about March 29, 2013 at approximately 11:5 p.m., while patrolling the streets of
16 Alturas, Officer Dowdy located Respondent walking and staggering in a serpentine manner on
17 Modoc Street. Upon contacting Respondent, the officer found Respondent to be extremely
18 intoxicated. During the investigation, the officer found Respondent had an unsteady gait, and odor
19 of unknown alcoholic beverage emitting from his person, and extremely slurred speech. In
20 addition, during the entire time the officer interviewed Respondent, other than when he obtained
21 his wallet to provide his license, Respondent held onto a pole that supported a street sign, with his
22 left hand, to help him maintain his balance. Respondent also swayed in somewhat of a circular
23 motion as he held onto the pole. Respondent advised the officer that he was headed home,
24 located down the street. Upon completion of the interview, the officer found Respondent to be in
25 a public place, so intoxicated that he was unable to care for his own safety. Respondent was
26 arrested for violation of Penal Code section 647, subdivision (f) (Public Intoxication). Respondent
27 was transported to the Modoc County Jail, and submitted to a breath sample. Respondent's breath
28 sample returned a blood alcohol content (BAC) of .34%.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 10. Respondent is subject to discipline under Code section 4301, subdivision (h), on the
4 grounds of unprofessional conduct, in that on or about March 29, 2013, Respondent used
5 alcoholic beverages to an extent or in a manner dangerous or injurious to himself and the public
6 when he was intoxicated in a public place with a BAC of .34%, as more particularly set forth
7 above in paragraph 9.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Violating Laws and Regulations Governing Pharmacy)**

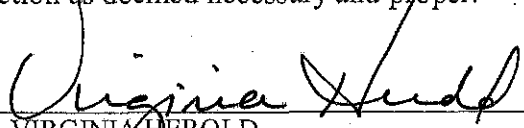
10 11. Respondent is subject to discipline under Code section 4301, subdivision (o), in that
11 Respondent violated the laws and regulations governing pharmacy, as set forth above in
12 paragraphs 8 through 10.

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 66743, issued to Nicholas Cal
17 Vandersloot,;
- 18 2. Ordering Nicholas Cal Vandersloot to pay the Board of Pharmacy the reasonable costs
19 of the investigation and enforcement of this case, pursuant to Business and Professions Code
20 section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 9/6/13

23 
24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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