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

12 In the Matter of the Accusation Against:

Case No. 5595

13 **BRANDON L. IACOBO**
3462 Donegal Ct.
Iowa City, IA 52246

A C C U S A T I O N

14 **Pharmacist License No. RPH 64631**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about September 9, 2010, the Board of Pharmacy issued Pharmacist License
22 Number RPH 64631 to Brandon L. Iacobo (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on December 31,
24 2015, 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.

1 4. Section 4300, subdivision (a) of the Code states that "[e]very license issued may be
2 suspended or revoked."

3 5. Section 4300.1 of the Code states:

4 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
5 of law or by order or decision of the board or a court of law, the placement of a license on a
6 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
7 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
8 against, the licensee or to render a decision suspending or revoking the license."

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

10 "The board shall take action against any holder of a license who is guilty of unprofessional
11 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
12 Unprofessional conduct shall include, but is not limited to, any of the following:

13 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
14 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
15 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
16 to the extent that the use impairs the ability of the person to conduct with safety to the public the
17 practice authorized by the license.

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

22 7. Section 4060 of the Code states in pertinent part:

23 "A person shall not possess any controlled substance, except that furnished to a person upon
24 the prescription of a physician..."

25 8. Section 4022 of the Code states

26 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in
27 humans or animals, and includes the following:

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Self-Administration of Controlled Substances and Dangerous Drugs)**

3 13. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 section 4301, subdivision (h), in that on or about January 23, 2015, Respondent self-administered
5 controlled substances and dangerous drugs to an extent or in a manner to be dangerous to himself
6 or others. The circumstances are as follows:

7 14. On or about January 23, 2015, Respondent was driving a vehicle on a public roadway
8 when he failed to stop at a red traffic light and collided with the vehicle in front of him.
9 Respondent was suspected of being intoxicated and a blood test was performed. The blood test
10 was positive for Hydrocodone, Codeine, Clonazepam, Lorazepam, Alprazolam, Phenobarbital, and
11 Butalbital.

12 15. Respondent admitted to self-administering controlled substances and dangerous drugs
13 that he obtained from his wife without her knowledge, mostly expired prescriptions, and from his
14 dog's prescription for Phenobarbital. Respondent was not prescribed any of the substances
15 determined to be in his system by the blood test.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Possession of Controlled Substances)**

18 16. Respondent is subject to disciplinary action for unprofessional conduct under section
19 4301, subdivision (o), in that Respondent violated section 4060 by possessing controlled
20 substances for which he did not have a valid prescription. The circumstances are as set forth in
21 paragraphs 13-15, above.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacist License Number RPH 64631, issued to Brandon
26 L. Iacobo;

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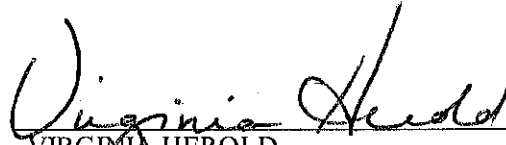
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1 2. Ordering Brandon L. Iacobo to pay the Board of Pharmacy the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; -

4 3. Taking such other and further action as deemed necessary and proper.
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7 DATED: _____

12/22/15



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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