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

10 In the Matter of the Accusation Against:

Case No. 3590

11 **HOAI NAM NGUYEN**  
12 **6753 Meriwether Ct.**  
13 **Rancho Cucamonga, CA 91701**

**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH**  
15 **64936**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.  
22 2. On or about September 1, 2005, the Board issued Pharmacy Technician Registration  
23 Number TCH 64936 to Hoai Nam Nguyen (Respondent). The Pharmacy Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 October 31, 2010, unless renewed.

26 **JURISDICTION**

- 27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 4300 of the Code states:

2 "(a) Every license issued may be suspended or revoked.

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

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board in its  
11 discretion may deem proper.

12 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
13 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
14 shall have all the powers granted therein. The action shall be final, except that the propriety of  
15 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
16 Civil Procedure."

17 5. Section 4301 of the Code states:

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

21 ....

22 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
23 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
24 whether the act is a felony or misdemeanor or not.

25 ....

26 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
27 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
28 (commencing with Section 801) of Title 21 of the United States Code regulating controlled

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

15 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
16 revoke a license on the ground that the licensee has been convicted of a crime substantially  
17 related to the qualifications, functions, or duties of the business or profession for which the  
18 license was issued.

19 7. California Code of Regulations, title 16, section 1770, states:

20 "For the purpose of denial, suspension, or revocation of a personal or facility license  
21 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
22 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
23 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
24 licensee or registrant to perform the functions authorized by his license or registration in a manner  
25 consistent with the public health, safety, or welfare."

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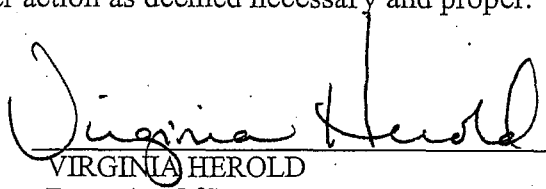
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 64936, issued to Hoai Nam Nguyen;
2. Ordering Hoai Nam Nguyen to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/1/10



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

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