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

11 In the Matter of the Accusation Against:

Case No. 3716

12 **KEITH CHUNG**  
4060 Glencoe Ave., #231  
Los Angeles, CA 90066

**FIRST AMENDED**  
**ACCUSATION**

13 Pharmacist License No. 50486

14 Respondent.

15  
16  
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about September 1, 1998, the Board of Pharmacy (Board) issued  
23 Pharmacist License Number 50486 to Keith Chung (Respondent). The Pharmacist License was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 April 30, 2012, unless renewed. On October 1, 2007, Respondent's Pharmacist license was  
26 suspended by the Board pursuant to court order. (*The People of the State of California v. Keith*  
27 *Chung*) (Super.Ct. Los Angeles County, 2008, No. SA064964) On February 9, 2011, the  
28 Superior Court terminated the suspension order allowing Respondent to practice pharmacy.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code (Code) unless  
4 otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 118, subdivision (b), of the Code provides that the expiration of a  
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
8 period within which the license may be renewed, restored, reissued or reinstated.

9 5. Section 480 states, in pertinent part:

10 "(a) A board may deny a license regulated by this code on the grounds that the  
11 applicant has one of the following:

12 "(1) Been convicted of a crime. A conviction within the meaning of this  
13 section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any  
14 action which a board is permitted to take following the establishment of a conviction may be  
15 taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on  
16 appeal, or when an order granting probation is made suspending the imposition of sentence,  
17 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

18 . . . .

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

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

24 "No person shall possess any controlled substance, except that furnished to a  
25 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
26 naturopathic doctor . . . ."

27 8. Section 4300 of the Code provides, in pertinent part, that every license issued  
28 by the Board is subject to discipline including suspension or revocation.

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9. 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:

"(a) Gross immorality.

....

"(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 administration to oneself, of any controlled substances or the use of dangerous drugs 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 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.

....

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3 . . . .  
4 "(p) Actions or conduct that would have warranted denial of a license."

5 **REGULATORY SECTION**

6 10. California Code of Regulations, title 16, section 1770, states:

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

13 **DANGEROUS DRUGS / CONTROLLED SUBSTANCES**

14 11. Methamphetamine is a Schedule II controlled substance as designated by  
15 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug  
16 pursuant to Business and Professions Code section 4022.

17 12. Hydrocodone is a trade name for Vicodin which is a Schedule III controlled  
18 substance as designated by Health and Safety Code section 11056, subdivision (e), and is  
19 categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

20 13. Niravam and Xanax are trade names for Alprazolam which is a Schedule IV  
21 controlled substance as designated by Health and Safety Code section 11057, subdivision (d), and  
22 is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

23 14. Phendimetrazine Tartrate is a Schedule III controlled substance as designated  
24 by Health and Safety Code section 11056, subdivision (b)(6), and is categorized as a dangerous  
25 drug pursuant to Business and Professions Code section 4022.

26 15. Propoxyphene Napsylate is a Schedule IV controlled substance as designated  
27 by Health and Safety Code section 11057, and is categorized as a dangerous drug pursuant to  
28 Business and Professions Code section 4022.

1           16. Endodan and Endocet are trade names for Oxycodone and Acetaminopen which  
2 is a Schedule II controlled substance as designated by Health and Safety Code section 11055,  
3 subdivision (b)(1), and is categorized as a dangerous drug pursuant to Business and Professions  
4 Code section 4022.

5           17. Lomotil is a trade name for Diphenoxylate/Atropine which is a Schedule V  
6 controlled substance and is categorized as a dangerous drug pursuant to Business and Professions  
7 Code section 4022.

8           18. Restoril is a trade name for Temazepam which is a Schedule IV controlled  
9 substance as designated by Health and Safety Code section 11057, subdivision (d), and is  
10 categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

11           19. Diazepam (Valium) is a Schedule IV controlled substance as designated by  
12 Health and Safety Code section 11057, and is categorized as a dangerous drug pursuant to  
13 Business and Professions Code section 4022.

14           20. Propoxyphene Hydrochloride is a Schedule IV controlled substance as  
15 designated by Health and Safety Code section 11057, and is categorized as a dangerous drug  
16 pursuant to Business and Professions Code section 4022.

17           22. Ritalin is a trade name for Methylphenidate Hydrochloride, a Schedule II  
18 controlled substance as designated by Health and Safety Code section 11055, and is categorized  
19 as a dangerous drug pursuant to Business and Professions Code section 4022.

20           23. Klonopin is a trade name for Clonazepam which is a Schedule IV controlled  
21 substance as designated by Health and Safety Code section 11057, and is categorized as a  
22 dangerous drug pursuant to Business and Professions Code section 4022.

23           24. Codeine is a Schedule III controlled substance as designated by Health and  
24 Safety Code section 11056, subdivision (e), and is categorized as a dangerous drug pursuant to  
25 Business and Professions Code section 4022.

26           25. Librax is a trade name for Chlordiazepoxide, a Schedule IV controlled  
27 substance as designated by Health and Safety Code section 11057, and is categorized as a  
28 dangerous drug pursuant to Business and Professions Code section 4022.



- 1 d. Phendimetrazine Tartrate;
- 2 e. Propoxyphene Napsylate;
- 3 f. Endocet;
- 4 g. Lomotil;
- 5 h. Temazepam;
- 6 i. Diazepam (Valium);
- 7 j. Propoxyphene Hydrochloride;
- 8 k. Alprazolam;
- 9 l. Oxycodone;
- 10 m. Methylphenidate Hydrochloride;
- 11 n. Phentermine Hydrochloride;
- 12 o. Clonazepam;
- 13 p. Ritalin;
- 14 q. Codeine;
- 15 r. Valium;
- 16 s. Librax;
- 17 t. Endodan; and
- 18 u. Niravam;

19 30. On or about December 26, 2006, Respondent purchased a brown and silver  
20 schnauzer puppy from a private party. Later that same day, Respondent called and said he  
21 wanted to return the puppy because he felt it was too "big" for his daughter. Respondent was told  
22 to bring the puppy back. When Respondent returned the puppy, it appeared dead. In fact the  
23 puppy died while being transported to a veterinary hospital. A necropsy was performed and it  
24 was determined the puppy died as a result of trauma to its chest.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Gross Immorality)**

3 31. Respondent is subject to disciplinary action under Code section 4301,  
4 subdivision (a), as a result of Respondent's gross immorality. Complainant now refers to and  
5 incorporates all the allegations in paragraphs 28, 29, 30, and 34, as though set forth fully.

6  
7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Moral Turpitude)**

9 32. Respondent is subject to disciplinary action under Code section 4301,  
10 subdivision (f), as a result of Respondent's moral turpitude. Complainant now refers to and  
11 incorporates all the allegations in paragraphs 28, 29, 30, and 34, as though set forth fully.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Under the Influence of Drugs)**

14 33. Respondent is subject to disciplinary action under Code section 4301,  
15 subdivision (h), as a result of Respondent's being under the influence of drugs.

16 34. On or about May 9, 2010, Respondent was stopped at a DUI checkpoint in  
17 Norco, CA, by Riverside County Sheriff. Respondent, driver of the vehicle, had in his possession  
18 Methamphetamine. Respondent also appeared to be under the influence of drugs. He had rapid  
19 speech, red and watery eyes, rancid breath and muscle rigidity. Respondent could not stand still  
20 and had eyelid tremors. His pulse was 118 BPM. He admitted that he used illegal drugs a couple  
21 of hours earlier.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Possession of a Controlled Substance)**

24 35. Respondent is subject to disciplinary action under Code section 4301,  
25 subdivision (j), in conjunction with section 4060, as a result of Respondent's possession of  
26 controlled substances.

27 36. Complainant now refers to and incorporates all the allegations in paragraphs  
28 29 and 34 as though set forth fully.



1 SIXTH CAUSE FOR DISCIPLINE

2 (Conduct Warranting the Denial of a License)

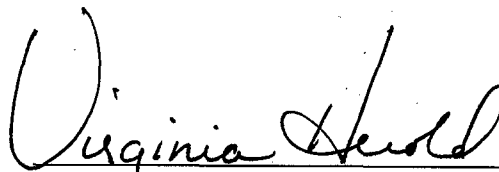
3 37. Respondent is subject to disciplinary action under Code section 480,  
4 subdivision (a)(1), and section 4301, subdivision (p), in that Respondent committed acts which  
5 would have warranted a denial of licensure as a Registered Pharmacist. Complainant now refers  
6 to and incorporates all the allegations in paragraphs 28, 29, 30, and 34, as though set forth fully.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacist License Number 50486, issued to  
11 Respondent;
- 12 2. Ordering Respondent to pay the Board the reasonable costs of the investigation  
13 and enforcement of this case, pursuant to Code section 125.3; and
- 14 3. Taking such other and further action as is deemed necessary and proper.

15  
16 DATED: 4/29/11

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

27 LA2007601286