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

11 In the Matter of the Accusation Against:

Case No. 4587

12 **DAVID LEE HUYNH**  
6251 Lena  
13 Woodland Hills, California 91367

**A C C U S A T I O N**

14 **Original Pharmacist License No. RPH 52876**  
15 Respondent.

16  
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 (Board).
- 21 2. On or about September 5, 2001, the Board issued Original Pharmacist License No.  
22 RPH 52876 to David Lee Huynh (Respondent). The Pharmacist License was in full force and  
23 effect at all times relevant to the charges brought herein, and will expire on October 31, 2014,  
24 unless renewed.

25 **JURISDICTION**

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

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1 **STATUTORY PROVISIONS**

2 4. Section 490 states, in pertinent part:

3 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
4 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
5 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
6 or profession for which the license was issued.

7 (b) Notwithstanding any other provision of law, a board may exercise any authority to  
8 discipline a licensee for conviction of a crime that is independent of the authority granted under  
9 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
10 of the business or profession for which the licensee's license was issued.

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

17 5. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
18 revoked."

19 6. Section 4300.1 states:

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

25 7. Section 4301 states, in pertinent part:

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

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(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 license or otherwise, and whether the act is a felony or misdemeanor or not.

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . .”

**REGULATORY PROVISION**

8. 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, 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.”

**COST RECOVERY**

9. Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

***(Conviction of a Substantially Related Crimes)***

10. Respondent is subject to disciplinary action under sections 490, 4300 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that, Respondent was convicted of a substantially related crime, as follows:

a. On January 31, 2013, in the matter of *The People of the State of California v. David Huynh*, (Super. Ct. Los Angeles County, 2012, No. 2JB10116), Respondent was convicted on his plea of *nolo contendere* to one misdemeanor count of violation of Vehicle Code section 2800.1(a) [evading a police officer]. The court sentenced Respondent to 3 years summary probation,

1 ordered him to complete a hospital and morgue program, to attend 52 weeks of psychological  
2 counseling, to pay fines and fees or complete 157 hours of community service, and terms and  
3 conditions.

4 b. The circumstances underlying the conviction are that on or about August 17, 2012,  
5 Respondent operated a motor vehicle and was stopped by the Los Angeles County Sheriff's  
6 Department for a traffic violation in the City of West Covina. Respondent exited the vehicle and  
7 demanded that the Sheriff deputies shoot him, and then returned to his vehicle and fled from  
8 deputies. West Covina Police officers, with lights and sirens activated, attempted to pull  
9 Respondent over. Respondent evaded and fled from numerous West Covina Police officers,  
10 California Highway Patrol officers, and a Los Angeles County Sheriff's Department helicopter,  
11 on surface streets and the 60 Freeway for a distance of approximately 40 miles, with a willful and  
12 wanton disregard for the safety of the motoring public and passersby. Respondent only stopped  
13 fleeing when his vehicle was stopped by officers in a PIT (pursuit intervention technique)  
14 maneuver which disabled Respondent's vehicle. Respondent exited the vehicle shouting "Just  
15 kill me! Kill me please." Respondent was subdued and arrested. Respondent admitted to officers  
16 that he went through several red lights, he knew several police vehicles were behind him with  
17 lights and sirens the entire time, and that it was his intention to go to "Mexico". Respondent was  
18 taken into custody. Respondent was placed on a 72 hour detention hold for evaluation and  
19 treatment based on his suicidal statements upon arrest.

## 20 SECOND CAUSE FOR DISCIPLINE

### 21 *(Act Involving Moral Turpitude, Dishonesty, or Deceit)*

22 11. Respondent is subject to disciplinary action under section 4301, subdivision (f) on the  
23 grounds of unprofessional conduct, in that, Respondent committed an act or acts involving moral  
24 turpitude, dishonesty, or deceit, in that, Respondent willfully evaded numerous law enforcement  
25 officials in their attempts to stop and apprehend him with their lights and sirens activated during a  
26 40 mile vehicle pursuit which endangered the lives of other motorists and passersby.  
27 Complainant refers to, and by reference incorporates, the allegations set forth in paragraph 10,  
28 subparagraphs (a) and (b), as though fully set forth herein.

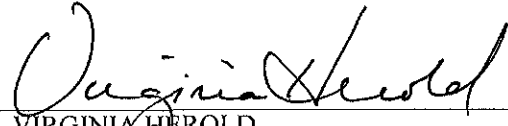


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and enforcement of this case, pursuant to section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/17/14



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