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

12 In the Matter of the Accusation Against:

Case No. 4898

13 **KHAMMEE VANG**
5704 W. Beck Ave., #1
14 Fresno, CA 93727

A C C U S A T I O N

15 **Pharmacy Technician Registration No, TCH**
16 **108621**

17 Respondent.

18
19 Virginia Herold (“Complainant”) alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Pharmacy (“Board”), Department of Consumer Affairs.

23 2. On or about December 27, 2010, the Board issued Pharmacy Technician Registration
24 Number TCH 108621 to Khammee Vang (“Respondent”). The Pharmacy Technician Registration
25 expired on January 31, 2014, and was cancelled on May 4, 2015.

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1 **JURISDICTION**

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

5 4. Code section 4300.1 states:

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

11 **STATUTORY PROVISIONS**

12 5. Code section 4301 states:

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

16 ...

17 "(I) The conviction of a crime substantially related to the qualifications, functions, and duties
18 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
19 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
20 substances or of a violation of the statutes of this state regulating controlled substances or
21 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
22 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
23 The board may inquire into the circumstances surrounding the commission of the crime, in order to
24 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
25 dangerous drugs, to determine if the conviction is of an offense substantially related to the
26 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
27 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
28 of this provision. The board may take action when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
3 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
4 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
5 indictment.

6 ...

7 **COST RECOVERY**

8 6. Code section 125.3 states, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 **CAUSE FOR DISCIPLINE**

13 **(Conviction of Crime)**

14 7. Respondent is subject to disciplinary action under Code section 4301, subdivision (D),
15 on the grounds of unprofessional conduct, in that on or about November 4, 2013, in the case of
16 *People v. Khammee Vang* (Sacramento Superior Court Case No. 13F03767), Respondent was
17 convicted by the Court on his pleas of nolo contendere of violating Penal Code section 261.5,
18 subdivision (c) (unlawful sexual intercourse with a minor who is more than three years younger
19 than defendant), a felony, and Penal Code section 288a, subdivision (b)(1) (oral copulation with a
20 minor), a felony. The facts and circumstances are that on or about and between January 15, 2012
21 and May 15, 2012, Respondent engaged in an act of unlawful sexual intercourse and did
22 unlawfully participate in an act of oral copulation with Jane Doe, age 16 years, not the spouse of
23 Respondent, the minor being more than three years younger than Respondent. The crimes are
24 substantially related to the qualifications, functions and duties of a licensed pharmacy technician.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Pharmacy issue a decision:
28

1 1. Revoking or suspending Pharmacy Technician Registration Number TCH 108621,
2 issued to Khammee Vang;

3 2. Ordering Khammee Vang to pay the Board of Pharmacy the reasonable costs of the
4 investigation and enforcement of this case, pursuant to Business and Professions Code section
5 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
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10 DATED: _____

4/18/16



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

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