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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. 5219

13 **LISA KIM VO AKA**
14 **LISA KIM LENORGANT**

A C C U S A T I O N

15 37523 Denver Ct.
16 Palmdale, CA 93552

17 Pharmacy Technician Registration No. TCH
18 43541

Respondent.

19 Complainant alleges:

PARTIES

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

22 2. On or about September 18, 2002, the Board issued Pharmacy Technician Registration
23 No. TCH 43541 to Lisa Kim Vo also known as, Lisa Kim Lenorgant (Respondent). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on August 31, 2016, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

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

1 indicated.

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

4 5. Section 4300.1 of the Code states:

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

11 4. Section 4301 states, in pertinent part:

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

16 ...

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

22 ...

23 (l) The conviction of a crime substantially related to the qualifications,
24 functions, and duties of a licensee under this chapter. The record of conviction of a
25 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
26 States Code regulating controlled substances or of a violation of the statutes of this
27 state regulating controlled substances or dangerous drugs shall be conclusive evidence
28 of unprofessional conduct. In all other cases, the record of conviction shall be
conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to fix
the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
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 guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in

1 or abetting the violation of or conspiring to violate any provision or term of this
2 chapter or of the applicable federal and state laws and regulations governing
3 pharmacy, including regulations established by the board or by any other state or
4 federal regulatory agency.”

5 5. Section 490 of the Code states, in pertinent part:

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

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

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

23 **REGULATORY PROVISIONS**

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

25 “For the purpose of denial, suspension, or revocation of a personal or
26 facility license pursuant to Division 1.5 (commencing with Section 475) of the
27 Business and Professions Code, a crime or act shall be considered substantially related
28 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.”

29 **COST RECOVERY**

30 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licentiate found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case.

34 **FIRST CAUSE FOR DISCIPLINE**

35 **(Conviction of Substantially Related Crime)**

36 8. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
37 section 490 of the Code, in conjunction with California Code of Regulations, title 16, section
38

1 1770, in that, Respondent was convicted of crimes substantially related to the qualifications,
2 functions or duties of a pharmacy technician, as follows:

3 9. On or about March 11, 2014, Respondent pled nolo contendere to and was convicted
4 of one (1) misdemeanor count of violating Penal Code section 273A(b) [cruelty to child by
5 endangering health] and one (1) misdemeanor count of violating Vehicle Code section 23103 [wet
6 reckless] in the criminal proceeding entitled *The People of the State of California v. Lisa Kim*
7 *Lenorgant* (Super. Ct. L.A. County, 2014, No. 3AV06055). As part of the plea, the court
8 accepted the prosecutor's statement that alcohol/drugs were involved in the incident. The court
9 placed Respondent on probation for 48 months, with terms and conditions. Among other terms
10 and conditions, the court ordered Respondent to complete a 52 week parenting skills program,
11 obey the protective order issued in the case, and complete a three-month first offender alcohol and
12 other drug education and counseling program. The circumstances underlying the conviction are,
13 as follows:

14 10. On or about August 15, 2013, Los Angeles County Sheriff's Department deputies
15 responded to a child abuse call. The caller indicated that a female adult appeared to be under the
16 influence of drugs and was parked at the location with a child in the vehicle. As the deputy
17 approached the vehicle, he saw Respondent sitting in the backseat of the vehicle. The deputy
18 observed a child in a car seat directly behind the driver's seat. When Respondent saw the deputy,
19 she started to climb over the center console of the vehicle to get to the driver's seat. While
20 Respondent was moving, the deputy saw (in plain view) what he immediately recognized as a
21 methamphetamine pipe on the floorboard of the backseat area of the vehicle. During his contact
22 with Respondent, the deputy observed Respondent display the objective signs and symptoms of
23 being under the influence of a controlled substance (sweating, rapid/mumbling speech).
24 Respondent failed to adequately complete the standard Field Sobriety Tests administered by the
25 deputy. During a search of Respondent's vehicle, the deputy found a small plastic baggie
26 containing a white crystalline substance resembling methamphetamine.

27 ///

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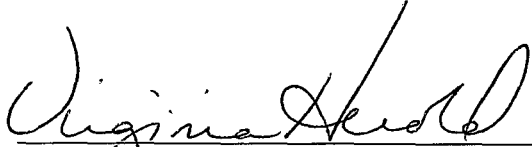
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PRAYER

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 No. TCH 43541, issued to Lisa Kim Vo also known as Lisa Kim Lenorgant;
2. Ordering Lisa Kim Vo to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/15/14



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

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