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

11 In the Matter of the Accusation Against:

Case No. 5299

12 **CVS VANGUARD, INC., DBA**  
13 **CVS PHARMACY NO. 5837**  
14 **7065 La Palma Avenue**  
**Buena Park, CA 90620**

**ACCUSATION**

15 **Pharmacy Permit No. PHY 46780**

16 **CHRISTOPHER TRI HO**  
17 **5351 Tremaine Dr.**  
**Huntington Beach, CA 92659**

18 **Pharmacist License No. RPH 55450**

19 Respondents.

20  
21  
22 Complainant alleges:

23 **PARTIES**

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

26 2. On or about July 22, 2004, the Board of Pharmacy issued Pharmacy Permit Number  
27 PHY 46780 to CVS Pharmacy No. 5837 (Respondent CVS). The Pharmacy Permit was in full  
28

1 force and effect at all times relevant to the charges brought herein and will expire on June 1, 2015,  
2 unless renewed.

3 3. On or about June 23, 2004, the Board of Pharmacy issued Pharmacist License  
4 Number RPH 55450 to Christopher Tri Ho (Ho). The Pharmacist License was in full force and  
5 effect at all times relevant to the charges brought herein and will expire on October 31, 2015,  
6 unless renewed.

### 7 JURISDICTION

8 4. This Accusation is brought before the Board of Pharmacy (Board), Department of  
9 Consumer Affairs, under the authority of the following laws. All section references are to the  
10 Business and Professions Code unless otherwise indicated.

11 5. Section 4011 of the Code provides that the Board shall administer and enforce both  
12 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
13 Act [Health & Safety Code, § 11000 et seq.].

14 6. Section 4300(a) of the Code provides that every license issued by the Board may be  
15 suspended or revoked.

16 7. Section 4300.1 of the Code states:

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

21 8. Section 4301 of the Code states in pertinent part:

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

25 ...

26 (c) Gross negligence.

27 ...





1 a. On September 2, 2011, the Board issued Citation number CI 2011 49363 against  
2 Ho for violating California Code of Regulations, title 16, section 1761 for dispensing an  
3 erroneous prescription without contacting the prescriber for clarification. The Board issued a fine  
4 which Respondent Christopher Ho paid.

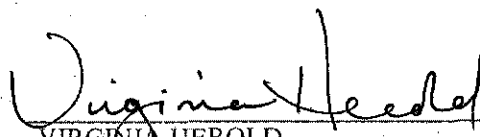
5 b. On September 2, 2011, the Board issued Citation number CI 2009 44414 against  
6 Respondent CVS Pharmacy No. 5837 for violating California Code of Regulations, title 16,  
7 section 1761 for dispensing an erroneous prescription without contacting the prescriber for  
8 clarification. The Board issued a fine which Respondent CVS Pharmacy No. 5837 paid.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Permit Number PHY 46780, issued to CVS  
13 Pharmacy Vanguard, Inc., doing business as CVS Pharmacy No. 5837;  
14 2. Revoking or suspending Pharmacist License Number RPH 55450, issued to  
15 Christopher Tri Ho;  
16 3. Ordering CVS Pharmacy Vanguard, Inc., doing business as CVS Pharmacy No. 5837  
17 and Christopher Tri Ho to pay the Board of Pharmacy the reasonable costs of the investigation  
18 and enforcement of this case, pursuant to Business and Professions Code section 125.3;  
19 4. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 8/13/15

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

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