1 2 3 4 5 6 7 8 9	BOARD OF	RE THE PHARMACY ONSUMER AFFAIRS		
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11	In the Matter of the Accusation Against:	Case No. 5686		
12	DE ANZA VIEW PHARMACY INC., DBA			
13 14	GOOD MORNING PHARMACY, SHUN- MI MOON KIM, OWNER 7655 Clairemont Mesa Blvd., #306	FIRST AMENDED ACCUSATION		
15	San Diego, CA 92111			
15	Pharmacy Permit Nos. PHY 49904 and PHY 53915			
17 18	SHUN-MI MOON KIM 9384 Pipilo St. San Diego, CA 92129			
19	Pharmacist License No. RPH 46783			
20	Respondents.	:		
21	Particular Balance and a second a			
22	Complainant alleges:			
23	PAR	TIES		
24	1. Virginia Herold (Complainant) bring	s this First Amended Accusation solely in her		
25	official capacity as the Executive Officer of the I	Board of Pharmacy, Department of Consumer		
_26	Affairs.			
27	2. On or about June 11, 2009, the Board	l of Pharmacy issued Pharmacy Permit Number		
28	PHY 49904 to De Anza View Pharmacy Inc., do	ing business as Good Morning Pharmacy. The		
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	FIRST AMENDED ACCUSATION			

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1	Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein	
2	and was cancelled on December 14, 2015. On or about December 11, 2015, Pharmacy Permit	
3	No. 53915 was issued to Respondent De Anza View Pharmacy Inc., doing business as Good	
4	Morning Pharmacy (Respondent Good Morning Pharmacy) due to a change in location. The	
5	pharmacy permit was in full force and effect at all times relevant to the charges brought herein	
6	and will expire on December 1, 2016, unless renewed.	
7	3. On or about November 29, 1993, the Board of Pharmacy issued Pharmacist License	
8	Number RPH 46783 to Shun-Mi Moon Kim (Respondent Shun-Mi Kim). The Pharmacist	
9	License was in full force and effect at all times relevant to the charges brought herein and will	
10	expire on November 30, 2017, unless renewed.	
11	JURISDICTION	
12	4. This First Amended Accusation is brought before the Board of Pharmacy (Board),	
13	Department of Consumer Affairs, under the authority of the following laws. All section	
14	references are to the Business and Professions Code unless otherwise indicated.	
15	5. Section 4011 of the Code provides that the Board shall administer and enforce both	
16	the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances	
17	Act [Health & Safety Code, § 11000 et seq.].	
18	6. Section 4300(a) of the Code provides that every license issued by the Board may be	
19	suspended or revoked.	
20	7. Section 4300.1 of the Code states:	
21	The expiration, cancellation, forfeiture, or suspension of a board-issued license	
22	by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any	
23	investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.	
24	STATUTORY AND REGULATORY PROVISIONS	
25	8. Section 4301 of the Code states in pertinent part:	
26	The board shall take action against any holder of a license who is guilty of	
27 28	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:	
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	FIRST AMENDED ACCUSATION	

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(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....

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or any other state or federal regulatory agency.

9. Section 4307(a) of the Code states that:

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Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

10. Section 4113(c) of the Code states:

The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

11. Health and Safety Code section 11153(a) states:

A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him

1	or her comfortable by maintaining customary use.		
2			
3	12. Section 1761 of title 16, California Code of Regulations states:		
4	(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration.		
5	Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.		
6	(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a controlled substance prescription where the pharmacist knows or has		
7	objective reason to know that said prescription was not issued for a legitimate medical purpose.		
8	medical purpose.		
9	COST RECOVERY		
10	13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the		
11	administrative law judge to direct a licentiate found to have committed a violation or violations of		
12	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and		
13	enforcement of the case.		
14	DRUGS		
15	14. <u>Adderall</u> is a brand name for mixed amphetamine salts, a Schedule II controlled		
16	substance pursuant to Health and Safety Code section 11055(d)(1) and a dangerous drug pursuant		
17	to Business and Professions Code section 4022.		
18	15. <u>Norco</u> is a brand name for hydrocodone/acetaminophen, a Schedule III controlled		
19	substance pursuant to Health and Safety Code section 11056(e)(5) and a dangerous drug pursuant		
20	to Business and Professions Code section 4022.		
21	16. <u>Oxycodone</u> is a Schedule II controlled substance pursuant to Health and Safety Code		
22	section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section		
23	4022.		
24	17. <u>Phenergan with Codeine</u> is the brand name for promethazine with codeine, a		
25	Schedule V controlled substance pursuant to Health and Safety Code section 11058(c)(1) and is a		
26	dangerous drug pursuant to Business and Professions Code section 4022.		
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1	18. Xanax is the brand name for alprazolam, a Schedule IV controlled substance pursuant	
2	to Health and Safety Code section 11057(d)(1) and a dangerous drug pursuant to Business and	
3	Professions Code section 4022.	
4	FÁCTUAL ALLEGATIONS	
5	19. From June 11, 2009 through the present, Respondent Shun-Mi Kim was the	
6	Pharmacist-in-Charge of Respondent Good Morning Pharmacy. From June 11, 2009 to the	
7	present, Respondent Shun-Mi Kim was the Chief Executive Officer, Director, Secretary,	
8	Treasurer/Chief Financial Officer and one hundred percent shareholder of Respondent Good	
9	Morning Pharmacy.	
10	20. From January 9, 2012 to August 11, 2012, Respondents filled 134 prescriptions	
11	which were written by Dr. W.W. All but one of these prescriptions were issued for controlled	
12	substances.	
13	21. To obtain controlled substances, patients traveled a range between 26 and 63.9 miles	
14	from their residences to Dr. W.W.'s offices, from the prescribers' offices to Respondent Good	
15	Morning Pharmacy and from Respondent Good Morning Pharmacy to their residences. These	
16	distances were irregular in an urban area well served by pharmacies and physicians.	
17	22. Patients paid for the controlled substance prescriptions in cash and did not seek	
18	reimbursement from an insurance company or government agency.	
19	23. Dr. W.W. wrote the majority of these controlled substance prescriptions for patients	
20	who were mostly under the age of thirty.	
21	24. Respondents' records listed the same home address or last name for various patients	
22	who were written prescriptions by Dr. W.W. and dispensed the same drug therapy by	
23	Respondents.	
24	25. Respondents filled prescriptions for controlled substances which were written in an	
25	identical fashion by Dr. W.W. for multiple patients. Dr. W.W. wrote the majority of these	
26	prescriptions for the same combination of controlled substances in the same strength (the highest	
27	available), Oxycodone 30 mg, hydrocodone/acetaminophen 10/325mg and alprazolam 2mg to	
28	multiple patients.	
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1	26. Dr. W.W. prescribed the same drug therapy to patients who suffered from multiple	
2	conditions or diagnoses which typically require separate drug therapies and specialists.	
3	27. Respondents did not adequately verify or otherwise research whether the	
4	prescriptions described in paragraph 19 were written for a legitimate medical purpose before	
5	filling them.	
6	28. On or about December 8, 2014, Dr. W.W. pled guilty to operating a "pill mill."	
7	Namely, he pled guilty to knowingly and intentionally conspiring to unlawfully distribute and	
8	dispense oxycodone without a legitimate medical purpose, in violation of title 21 United States	
9	Code sections 841(a)(1) and 846.	
10	FIRST CAUSE FOR DISCIPLINE	
11	(Failing to Comply with Corresponding Responsibility	
12	for Legitimate Controlled Substance Prescriptions)	
13	29. Respondents are subject to disciplinary action under Code section 4301(j), for	
14	violating Health and Safety Code section 11153(a), in that they failed to comply with their	
15	corresponding responsibility to ensure that controlled substances were dispensed for a legitimate	
16	medical purpose when Respondents furnished prescriptions for controlled substances even though	
17	"red flags" were present to indicate those prescriptions were not issued for a legitimate medical	
18	purpose, as set forth in paragraphs 18 through 28 above, which are incorporated herein by	
19	reference.	
20	SECOND CAUSE FOR DISCIPLINE	
21	(Dispensing Controlled Substance Prescriptions with Significant Errors, Omissions,	
22	Irregularities, Uncertainties, Ambiguities or Alterations)	
23	30. Respondents are subject to disciplinary action under Code section 4301(o), for	
24	violating title 16, California Code of Regulations, sections 1761(a) and (b), in that they dispensed	
25	prescriptions for controlled substances, which contained significant errors, omissions,	
26	irregularities, uncertainties, ambiguities or alterations, as set forth in paragraphs 18 through 28	
27	above, which are incorporated herein by reference.	
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	FIRST AMENDED ACCUSATION	

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1	THIRD CAUSE FOR DISCIPLINE	
2	(Unprofessional Conduct)	
3	31. Respondents are subject to disciplinary action under Code section 4301 for	
4	unprofessional conduct in that they engaged in the activities described in paragraphs 18 through	
5	28 above, which are incorporated herein by reference.	
6	OTHER MATTERS	
7	32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit	
8	Numbers PHY 49904 and PHY 53915 issued to De Anza View Pharmacy Inc., doing business as	
9	Good Morning Pharmacy, De Anza View Pharmacy Inc., doing business as Good Morning	
10	Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer,	
11	director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY	
12	49904 and PHY 53915 are placed on probation or until Pharmacy Permit Numbers PHY 49904	
13	and PHY 53915 are reinstated if they are revoked.	
14	33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit	
15	Numbers PHY 49904 and PHY 53915 issued to De Anza View Pharmacy Inc., doing business as	
16	Good Morning Pharmacy while Shun-Mi Moon Kim has been an officer and owner and had	
17	knowledge of or knowingly participated in any conduct for which the licensee was disciplined,	
18	Shun-Mi Moon Kim shall be prohibited from serving as a manager, administrator, owner,	
19	member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit	
20	Numbers PHY 49904 and PHY 53915 are placed on probation or until Pharmacy Permit	
21	Numbers PHY 49904 and PHY 53915 are reinstated if they are revoked.	
22	34. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.	
23	RPH 46783 issued to Shun-Mi Moon Kim, Shun-Mi Moon Kim shall be prohibited from serving	
24	as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee	
25	for five years if Pharmacist License Number RPH 46783 is placed on probation or until	
26	Pharmacist License Number RPH 46783 is reinstated if it is revoked.	
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PRAYER 1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Board of Pharmacy issue a decision: 3 1. Revoking or suspending Pharmacy Permit Numbers PHY 49904 and PHY 53915, 4 issued to De Anza View Pharmacy Inc., doing business as Good Morning Pharmacy; 5 2. Revoking or suspending Pharmacist License Number RPH 46783, issued to Shun-Mi 6 Moon Kim: 7 3. Prohibiting De Anza View Pharmacy Inc., doing business as Good Morning 8 Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, 9 or partner of a licensee for five years if Pharmacy Permit Numbers PHY 49904 and PHY 53915 10 are placed on probation or until Pharmacy Permit Numbers PHY 49904 and PHY 53915 are 11 reinstated if Pharmacy Permit Numbers PHY 49904 and PHY 53915 issued to De Anza View 12 Pharmacy Inc., doing business as Good Morning Pharmacy are revoked; 13 4. Prohibiting Shun-Mi Moon Kim from serving as a manager, administrator, owner, 14 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit 15 Numbers PHY 49904 and PHY 53915 are placed on probation or until Pharmacy Permit 16 Numbers PHY 49904 and PHY 53915 are reinstated if Pharmacy Permit Numbers PHY 49904 17and PHY 53915 issued to De Anza View Pharmacy Inc., doing business as Good Morning 18 Pharmacy are revoked; 19 5. Prohibiting Shun-Mi Moon Kim from serving as a manager, administrator, owner, 20member, officer, director, associate, or partner of a licensee for five years if Pharmacist License 21 Number RPH 46783 is placed on probation or until Pharmacist License Number RPH 46783 is 22 reinstated if Pharmacist License Number RPH 46783 issued to Shun-Mi Moon Kim is revoked; 23 6. Ordering De Anza View Pharmacy Inc., doing business as Good Morning Pharmacy 24 and Shun-Mi Moon Kim to pay the Board of Pharmacy the reasonable costs of the investigation 25 and enforcement of this case, pursuant to Business and Professions Code section 125.3; 2627 28 8

Taking such other and further action as deemed necessary and proper. 7. 10/3//16 DATED: VIRGINIA HEROLD **Executive** Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SD2015803066 81497959.docx FIRST AMENDED ACCUSATION

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7	Facsimile: (619) 645-2061 Attorneys for Complainant	
8	BEFOI	RE THE
9		PHARMACY CONSUMER AFFAIRS
10		CALIFORNIA
11		
12	In the Matter of the Accusation Against:	Case No. 5686
13	DE ANZA VIEW PHARMACY INC., DBA GOOD MORNING PHARMACY	
14	4898 Convoy Street #102 San Diego, CA 92111	ACCUSATION
15	Pharmacy Permit No. PHY 49904	
16		
	SHUN-MI MOON KIM 9384 Pipilo St.	
17	San Diego, CA 92129	
18	Pharmacist License No. RPH 46783	
19	Respondents.	
20		
21	Complainant alleges:	
22	PAR	TIES
23	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity
24	as the Executive Officer of the Board of Pharma	cy, Department of Consumer Affairs.
25	2. On or about June 11, 2009, the Boar	d of Pharmacy issued Pharmacy Permit Number
26	PHY 49904 to De Anza View Pharmacy Inc., do	ing business as Good Morning Pharmacy
27	(Respondent Good Morning Pharmacy). The Ph	armacy Permit was in full force and effect at all
28	times relevant to the charges brought herein and	will expire on June 1, 2016, unless renewed.
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		ACCUSATIO

On or about November 29, 1993, the Board of Pharmacy issued Pharmacist License 3. 1 2 Number RPH 46783 to Shun-Mi Moon Kim (Respondent Shun-Mi Kim). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will 3 expire on November 30, 2017, unless renewed. 4 JURISDICTION 5 This Accusation is brought before the Board of Pharmacy (Board), Department of 4. 6 Consumer Affairs, under the authority of the following laws. All section references are to the 7 Business and Professions Code unless otherwise indicated. 8 5. Section 4011 of the Code provides that the Board shall administer and enforce both 9 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances 10Act [Health & Safety Code, § 11000 et seq.]. 11 6. Section 4300(a) of the Code provides that every license issued by the Board may be 12 suspended or revoked. 13 7. Section 4300.1 of the Code states: 14 15 The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the 16 placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any :17 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license. 18 STATUTORY AND REGULATORY PROVISIONS 19 8. Section 4301 of the Code states in pertinent part: 20 The board shall take action against any holder of a license who is guilty of 21 unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is 22 not limited to, any of the following: 2324 (i) 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.... 2526 (o) Violating or attempting to violate, directly or indirectly, or assisting in or 27 abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy. 28 including regulations established by the board or any other state or federal regulatory

ACCUSATION

agency.

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9. Section 4113(c) of the Code states:

The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

10. Health and Safety Code section 11153(a) states:

A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

11. Section 1761 of title 16, California Code of Regulations states:

(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a controlled substance prescription where the pharmacist knows or has objective reason to know that said prescription was not issued for a legitimate medical purpose.

COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, 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.

DRUGS

13. <u>Adderall</u> is a brand name for mixed amphetamine salts, a Schedule II controlled substance pursuant to Health and Safety Code section 11055(d)(1) and a dangerous drug pursuant to Business and Professions Code section 4022.

ACCUSATION

1 14. <u>Norco</u> is a brand name for hydrocodone/acetaminophen, a Schedule III controlled
 substance pursuant to Health and Safety Code section 11056(e)(5) and a dangerous drug pursuant
 to Business and Professions Code section 4022.

4 15. <u>Oxycodone</u> is a Schedule II controlled substance pursuant to Health and Safety Code
5 section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section
6 4022.

16. <u>Phenergan with Codeine</u> is the brand name for promethazine with codeine, a
 Schedule V controlled substance pursuant to Health and Safety Code section 11058(c)(1) and is a
 dangerous drug pursuant to Business and Professions Code section 4022.

17. Xanax is the brand name for alprazolam, a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(1) and a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

 From June 11, 2009 through the present, Respondent Shun-Mi Moon was the Pharmacist-in-Charge of Respondent Good Morning Pharmacy.

19. From January 9, 2012 to August 11, 2012, Respondents filled 134 prescriptions which were written by Dr. W.W. All but one of these prescriptions were issued for controlled substances.

20. To obtain controlled substances, patients traveled a range between 26 and 63.9 miles from their residences to Dr. W.W.'s offices, from the prescribers' offices to Respondent Good Morning Pharmacy and from Respondent Good Morning Pharmacy to their residences. These distances were irregular in an urban area well served by pharmacies and physicians.

21. Patients paid for the controlled substance prescriptions in cash and did not seek reimbursement from an insurance company or government agency.

22. Dr. W.W. wrote the majority of these controlled substance prescriptions for patients who were mostly under the age of thirty.

Respondents' records listed the same home address or last name for various patients 23. who were written prescriptions by Dr. W.W. and dispensed the same drug therapy by 2 Respondents. 3

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Respondents filled prescriptions for controlled substances which were written in an ; 24. identical fashion by Dr. W.W. for multiple patients. Dr. W.W. wrote the majority of these prescriptions for the same combination of controlled substances in the same strength (the highest 6 available), Oxycodone 30 mg, hydrocodone/acetaminophen 10/325mg and alprazolam 2mg to multiple patients.

25. Dr. W.W. prescribed the same drug therapy to patients who suffered from multiple 9 conditions or diagnoses which typically require separate drug therapies and specialists. 10

Respondents did not adequately verify or otherwise research whether the 26. prescriptions described in paragraph 19 were written for a legitimate medical purpose before filling them.

On or about December 8, 2014, Dr. W.W. pled guilty to operating a "pill mill." 27. Namely, he pled guilty to knowingly and intentionally conspiring to unlawfully distribute and dispense oxycodone without a legitimate medical purpose, in violation of title 21 United States Code sections 841(a)(1) and 846.

FIRST CAUSE FOR DISCIPLINE

(Failing to Comply with Corresponding Responsibility

for Legitimate Controlled Substance Prescriptions)

28. Respondents are subject to disciplinary action under Code section 4301(i), for violating Health and Safety Code section 11153(a), in that they failed to comply with their corresponding responsibility to ensure that controlled substances were dispensed for a legitimate medical purpose when Respondents furnished prescriptions for controlled substances even though "red flags" were present to indicate those prescriptions were not issued for a legitimate medical purpose, as set forth in paragraphs 18 through 27 above, which are incorporated herein by reference.

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1	SECOND CAUSE FOR DISCIPLINE	ļ
2	(Dispensing Controlled Substance Prescriptions with Significant Errors, Omissions,	
3	Irregularities, Uncertainties, Ambiguities or Alterations)	
4	29. Respondents are subject to disciplinary action under Code section 4301(o), for	
5	violating title 16, California Code of Regulations, sections 1761(a) and (b), in that they dispensed	ļ
6	prescriptions for controlled substances, which contained significant errors, omissions,	
- 7	irregularities, uncertainties, ambiguities or alterations, as set forth in paragraphs 18 through 27	
8	above, which are incorporated herein by reference.	
9.	THIRD CAUSE FOR DISCIPLINE	
10	(Unprofessional Conduct)	
11	30. Respondents are subject to disciplinary action under Code section 4301 for	
12	unprofessional conduct in that they engaged in the activities described in paragraphs 18 through	
13	27 above, which are incorporated herein by reference.	
14	PRAYER	
15	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
16	and that following the hearing, the Board of Pharmacy issue a decision:	
17	1. Revoking or suspending Pharmacy Permit Number PHY 49904, issued to De Anza	ļ
18	View Pharmacy Inc., doing business as Good Morning Pharmacy;	
19	2. Revoking or suspending Pharmacist License Number RPH 46783, issued to Shun-Mi	
20	Moon Kim;	
21	3. Ordering De Anza View Pharmacy Inc., doing business as Good Morning Pharmacy	
22	and Shun-Mi Moon Kim to pay the Board of Pharmacy the reasonable costs of the investigation	
23	and enforcement of this case, pursuant to Business and Professions Code section 125.3;	
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4. Taking such other and further action as deemed necessary and proper.

DATED: _3/18/16

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

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