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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 5307

13 **HANG THIANH HO**

STATEMENT OF ISSUES

14 **Pharmacy Technician Registration**
15 **Applicant**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about January 13, 2014, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a Pharmacy Technician Registration from Hang Thianh Ho
23 (Respondent). On or about January 13, 2014, Hang Thianh Ho certified under penalty of perjury
24 to the truthfulness of all statements, answers, and representations in the application. The Board
25 denied the application on July 18, 2014.
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1 “(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
2 benefit himself or herself or another, or substantially injure another.

3 “(3) (A) Done any act that if done by a licentiate of the business or profession in question,
4 would be grounds for suspension or revocation of license.

5 “(B) The board may deny a license pursuant to this subdivision only if the crime or act is
6 substantially related to the qualifications, functions, or duties of the business or profession for
7 which application is made.

8 “... ”

9 “(c) A board may deny a license regulated by this code on the ground that the applicant
10 knowingly made a false statement of fact required to be revealed in the application for the license.

11 7. Code section 4301 states:

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

15 “(a) Gross immorality.

16 “... ”

17 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
18 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
19 whether the act is a felony or misdemeanor or not.

20 “(g) Knowingly making or signing any certificate or other document that falsely represents
21 the existence or nonexistence of a state of facts.

22 “... ”

23 “(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
24 board.

25 “... ”

1 FACTUAL BACKGROUND

2 ***May 2012 Conviction***

3 8. On December 22, 2010, Respondent attempted to use a \$200 gift card to purchase
4 women's clothing at a Bloomindale's store, but the card was declined and Respondent was
5 questioned by the store's Loss Prevention agents. The next day, Respondent informed Costa
6 Mesa Police Department (CMPD) officers that she had been kidnapped on December 22, 2010
7 from the parking lot of her employer, a U.S. Postal Office; taken to a Bloomingdale's store; and
8 forced to purchase of women's clothing with a \$200 gift card. Respondent reported that she was
9 told by her kidnapper that if she did not comply with this order, her children would be harmed.

10 On December 28, 2010, Respondent gave a written statement to CMPD officers providing
11 additional details regarding the incident on December 22.

12 9. On December 28, 2010, Respondent admitted to U.S. Postal Office investigators that
13 her reports were false. She had not been abducted or kidnapped, and she had not been forced to
14 commit any crime. Rather, Respondent admitted, she had stolen the gift card from an Express
15 Mail envelope.

16 10. On or about May 1, 2012, Respondent pled guilty to violating 18 U.S.C. section 1701
17 [Obstruction of Mails]. Pursuant to this plea, Respondent was convicted and placed on probation
18 for six months, ordered to pay restitution to the victim in the amount of \$200, perform fifty hours
19 of community service and ordered not to engage as a whole or partial owner, employee or
20 otherwise, with the United States Postal Service and/or with any and all other competitive mail
21 couriers.

22 ***January 2014 Application***

23 11. On or about January 13, 2014, Respondent submitted a Pharmacy Technician
24 Application, signed "under penalty of perjury under the laws of the State of California to the truth
25 and accuracy of all statements, answers and representations made in [the] application"

26 12. Among other representations, Respondent stated on her application that she had not
27 "ever been convicted of any crime in any state, the USA and its territories, military court or
28 foreign country."

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THIRD CAUSE FOR DENIAL OF APPLICATION
(Act of Dishonesty)
(Bus. & Prof. Code § 480, subd. (c))

16. Respondent's application for Pharmacy Technician Registration is subject to denial because she committed an act involving dishonesty, fraud, or deceit with the intent to substantially benefit herself or another, or substantially injure another. (Bus. & Prof. Code § 480, subd. (c)). In particular, Respondent admittedly stole a gift card to benefit herself; lied when questioned by police officers and other investigators, filed a false police report (a violation of Penal Code section 148.5); and made false statements in her application for Pharmacy Technician Registration and in attempting to explain her arrest and conviction. The circumstances are described in paragraphs 8 through 13, above.

FOURTH CAUSE FOR DENIAL OF APPLICATION
(Grounds for Suspension or Revocation)
(Bus. & Prof. Code § 480, subd. (a)(3))

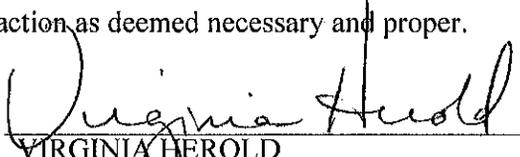
17. Respondent's application for Pharmacy Technician Registration is subject to denial because she performed acts that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license. (Bus. & Prof. Code § 480, subd. (a)(3)). In particular, Respondent admittedly stole a gift card to benefit herself; lied when questioned by police officers and other investigators, and filed a false police report (a violation of Penal Code section 148.5); and made false statements in her application for Pharmacy Technician Registration and in attempting to explain her arrest and conviction. The circumstances are described in paragraphs 8 through 13, above.

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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. Denying Respondent's application for a Pharmacy Technician Registration; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 11/10/14 

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

SF2014902751