

1 BILL LOCKYER, Attorney General  
of the State of California  
2 RONALD A. CASINO, State Bar No. 70410  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2068  
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7 Attorneys for Complainant  
8  
9

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

12 In the Matter of the Accusation Against:

Case No. 2594

13 GREENFIELD PHARMACEUTICAL  
THUAN DINH NGO, Owner  
14 9039 Bolsa Avenue, Suite 207-A  
Westminster, CA 92683  
15 Wholesale License No. WLS 2841

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

16 and

17 THONG VAN NGUYEN  
9039 Bolsa Avenue, Suite 207-A  
18 Westminster, CA 92683  
Exemptee Certificate No. EXC 12690  
19 Pharmacy Technician Registration  
No. TCH 6986

20 Respondents.  
21

22 FINDINGS OF FACT

23 1. On or about February 6, 2004, Complainant Patricia F. Harris, in her  
24 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
25 Affairs, filed Accusation No. 2594 against GREENFIELD PHARMACEUTICAL, THUAN  
26 DINH NGO, Owner and THONG VAN NGUYEN, (Respondents) before the Board of  
27 Pharmacy.

28 ///

1                   2.       On or about June 8, 1994, the Board of Pharmacy (Board) issued Original  
2 Wholesale Permit No. WLS 2841 to Respondent Thuan Dinh Ngo to do business as Greenfield  
3 Pharmaceutical. The permit expired on June 1, 2004 and has not been renewed.

4                   3.       On or about June 2, 1995, the Board of Pharmacy issued Original  
5 Exemptee Permit No. EXC 12690 to Respondent Thong Van Nguyen. The permit expired on  
6 June 1, 2004 and has not been renewed.

7                   4.       On or about February 27, 2004, Kim Cooney, an employee of the  
8 Department of Justice, served by Certified Mail and First Class Mail a copy of Accusation  
9 No. 2594, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
10 Code sections 11507.5, 11507.6, and 11507.7 to both Respondents at their address of record with  
11 the Board, which was and is 9039 Bolsa Avenue, Suite 207-A, Westminster, California 92683.  
12 A copy of the Accusation, the related documents, and Declaration of Service are attached as  
13 exhibit A, and are incorporated herein by reference.

14                   5.       Service of the Accusation was effective as a matter of law under the  
15 provisions of Government Code section 11505, subdivision (c).

16                   6.       On or about March 11, 2004, both Respondents filed Notices of Defense  
17 (NOD). Copies of the NODs are attached as exhibit B.

18                   7.       On or about June 28, 2004, both Respondents withdrew their NODs.  
19 Copies of the Withdrawals of Notice of Defense are attached as exhibit C.

20                   8.       Business and Professions Code section 118 states, in pertinent part:

21                   “(b) The suspension, expiration, or forfeiture by operation of law of a license  
22 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
23 board or by order of a court of law, or its surrender without the written consent of the board, shall  
24 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
25 board of its authority to institute or continue a disciplinary proceeding against the license upon  
26 any ground provided by law or to enter an order suspending or revoking the license or otherwise  
27 taking disciplinary action against the license on any such ground.”

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9. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

10. Respondents' withdrawals of their NODs constitute a failure by Respondents to file Notices of Defense within 15 days after service upon them of the Accusation and therefore also constitutes a waiver by both Respondents of their right to a hearing on the merits of Accusation No. 2594.

11. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

12. Pursuant to its authority under Government Code section 11520, the Board finds Respondents are in default. The Board will take action without further hearing and, based on Respondents' express admissions by way of default and the evidence before it, contained in exhibits A, finds that the allegations in Accusation No. 2594 are true.

13. The total costs for investigation and enforcement are \$13,573 as of August 24, 2004.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondents Greenfield Pharmaceutical, Thuan Dinh Ngo, Owner and Thong Van Nguyen have subjected their permits to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached as exhibit A. Copies of the Notices of Defense are attached as exhibit B. Copies of the Withdrawals of the Notice of Defense are attached as exhibit C.

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3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondents' Original Wholesale Permit and Exemptee Permit based upon the violations alleged in the Accusation, which are incorporated herein by reference.

ORDER

IT IS SO ORDERED that Original Wholesale Permit No. WLS 2841, heretofore issued to Respondent THUAN DINH NGO (to do business as Greenfield Pharmaceutical), and Original Exemptee Permit No. EXC 12690, heretofore issued to THONG VAN NGUYEN, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 6, 2004.

It is so ORDERED October 7, 2004

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
STANLEY W. GOLDENBERG  
Board President

80034414.wpd  
DOJ docket number:SD2002AD0919

Attachments:

- Exhibit A: Accusation No.2594, Related Documents, and Declaration of Service
- Exhibit B: Notices of Defense
- Exhibit C: Withdrawals of Notice of Defense

Exhibit A  
Accusation No. 2594,  
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General  
of the State of California  
2 RONALD A. CASINO, State Bar No. 70410  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101  
5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2068  
Facsimile: (619) 645-2061  
7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2594

13 GREENFIELD PHARMACEUTICAL  
THUAN DINH NGO, Owner  
14 9039 Bolsa Avenue, Suite 207-A  
Westminster, CA 92683  
15 Wholesale License No. WLS 2841

**A C C U S A T I O N**

16 and

17 THONG VAN NGUYEN  
9039 Bolsa Avenue, Suite 207-A  
18 Westminster, CA 92683  
Exemptee Certificate No. EXC 12690  
19 Pharmacy Technician Registration No.  
TCH 6986

20 Respondents.  
21

22 Complainant alleges:

23 **PARTIES**

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

27 2. On or about June 8, 1994, the Board of Pharmacy (Board) issued  
28 Wholesale License No. WLS 2841 to Greenfield Pharmaceutical, Thuan Dinh Ngo, Owner

1 (Respondent Greenfield). The wholesale license was in full force and effect at all times relevant  
2 to the charges brought herein and will expire on June 1, 2004, unless renewed.

3 3. On or about June 2, 1995, the Board issued Exemptee Certificate No. EXC  
4 12690 to Thong Van Nguyen (Respondent Nguyen). The exemptee certificate was in full force  
5 and effect at all times relevant to the charges brought herein and will expire on June 1, 2004,  
6 unless renewed.

7 **JURISDICTION**

8 4. This Accusation is brought before the Board of Pharmacy, under the  
9 authority of the following sections of the Business and Professions Code (Code):

10 A. Section 4301 states, in pertinent part:

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

15 " . . . .

16 "(j) The violation of any of the statutes of this state or of the  
17 United States regulating controlled substances and dangerous drugs.

18 " . . . .

19 "(o) Violating or attempting to violate, directly or indirectly, or  
20 assisting in or abetting the violation of or conspiracy to violate any  
21 provision or term of this chapter or of the applicable federal and state  
22 laws and regulations governing pharmacy, including regulations  
23 established by the board.

24 " . . . .

25 "(q) Engaging in any conduct that subverts or attempts to subvert  
26 an investigation of the board."

27 B. Section 4081, subdivision (a), provides, in pertinent part, that  
28 all records of sale, acquisition, or disposition of dangerous drugs shall

1 be open to inspection by authorized officers of the law during business  
2 hours and shall be preserved for at least three (3) years. Further, a  
3 current inventory shall be kept by every wholesaler who maintains  
4 a stock of dangerous drugs.

5 C. Section 4081, subdivision (b), provides, in pertinent part,  
6 that the owner of any wholesaler shall be jointly responsible with the  
7 exemptee for maintaining the records and inventory described in the  
8 section.

9 D. Section 4053, subdivision (c), provides, in pertinent part, that  
10 an exemptee certificate issued pursuant to the section is valid only at the  
11 location for which it is issued.

12 E. Section 4105 states, in pertinent part:

13 "(a) All records or other documentation of the acquisition and  
14 disposition of dangerous drugs and dangerous devices by any entity  
15 licensed by the board shall be retained on the licensed premises  
16 in a readily retrievable form.

17 "(b) The licensee may remove the original records or documentation  
18 from the licensed premises on a temporary basis for license-related purposes.  
19 However, a duplicate set of those records or other documentation shall be  
20 retained on the licensed premises.

21 "(c) The records required by this section shall be retained on  
22 the licensed premises for a period of three years from the date of making."

23 F. Section 4160 states, in pertinent part:

24 "(a) No person shall act as a wholesaler of any dangerous drug  
25 or dangerous device unless he or she has obtained a license from the  
26 board. . . .

27 ". . . .

28 "(c) A separate license shall be required for each place of

1 business owned or operated by a wholesaler. Each license shall be  
2 renewed annually and shall not be transferable."

3 G. Section 4201, subdivision (a) provides, in pertinent part, that in an application  
4 to conduct a wholesaler, if the applicant is other than a natural person, the application shall state  
5 the information as to each beneficially interested person.

6 H. Section 4201, subdivision (b), provides, in pertinent part, that if the applicant  
7 is a corporation, persons beneficially interested means and includes its officers, directors, and  
8 stockholders.

9 I. Section 4201, subdivision (g), provides, in pertinent part, that the wholesale  
10 license shall not be transferable.

11 J. Section 4332 provides that any person who fails to maintain the records  
12 required by section 4081 or who fails to produce the records within a reasonable time when  
13 called upon to do so by an authorized officer of the board is guilty of a misdemeanor.

14 K. Section 4333 provides, in pertinent part, that the records required by section  
15 4081 shall be maintained on the premises and available for inspection by authorized officers of  
16 the law for at least three years.

17 L. Section 125.3 provides, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations  
19 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

21 M.. Section 118, subdivision (b), provides that the suspension, expiration,  
22 surrender, or cancellation of a license shall not deprive the board of jurisdiction to proceed with a  
23 disciplinary action during the period within which the license may be renewed, restored, reissued  
24 or reinstated.

25 5. This Accusation is brought before the Board under the authority of the  
26 following sections of Title 16, California Code of Regulations (CCR):

27 A. Section 1718 defines the term "current inventory," as used in Code section  
28 4081, as including complete accountability for all dangerous drugs handled by the licensee.

1 B. Section 1781 provides, in pertinent part, that an exemptee shall be present and  
2 in control of a wholesaler's licensed premises during the conduct of business.

3 C. Section 1783, subdivision (e), provides, in pertinent part, that all records of  
4 dangerous drugs furnished by a wholesaler to authorized persons shall be maintained by the  
5 wholesaler for at least three years and shall be kept open for inspection during business hours by  
6 authorized officers of the law at the premises from which the dangerous drugs were furnished.

7 **FACTS**

8 6. Investigation by the Board found that between January 9, 1999 and  
9 February 4, 2000, Respondent Greenfield purchased approximately \$20,000,000.00 worth of  
10 Viagra, a dangerous drug, from Owl Rexall pharmacy. Further, on numerous occasions between  
11 January 1999 and August 2000, Greenfield and Respondent Nguyen allowed purchases of Viagra  
12 from Owl Rexall to be stored at 13071 Brookhurst Street, Suite 150, Garden Grove, Ca. These  
13 premises did not have a wholesale license during this period of time.

14 7. On January 7, 2002, an investigator with the Board conducted an  
15 inspection at the Greenfield premises located at 9039 Bolsa Avenue, Ste. 207-A, Westminster,  
16 Ca. Present and interviewed by the investigator were Greenfield's owner, Thuan Dinh Ngo, and  
17 Respondent Nguyen, the exemptee for Greenfield.

18 8. Both Ngo and Nguyen failed to provide any records related to the  
19 acquisition or disposition of the Viagra purchased from Owl Rexall.

20 9. Ngo denied having any dangerous drugs on the premises. However, the  
21 investigator found a box containing various dangerous drugs, including Lomotil, which is also a  
22 Schedule V controlled substance. Both Ngo and Nguyen failed to provide any records related to  
23 the acquisition of these drugs.

24 10. When asked by the investigator from which pharmacies Greenfield  
25 purchased its drugs, Ngo said he did not recall. Nguyen was silent.

26 11. On January 17, 2002, the investigator conducted a follow-up inspection at  
27 the Greenfield premises. Again present and interviewed were Ngo and Nguyen.

28 12. Both Ngo and Nguyen again failed to provide any records related to the

1 acquisition or disposition of the Viagra purchased from Owl Rexall.

2 13. Ngo denied having purchased any Viagra.

3 14. Subsequent investigation found that on numerous occasions between  
4 January 1999 and February 2000, both Ngo and Nguyen picked up Viagra purchased from Owl  
5 Rexall.

6 15. Subsequent investigation also found that Ngo had failed to notify the  
7 Board of ownership changes for Wholesale License No. WLS 2841 as follows:

8 A. from Greenfield Pharmaceutical to NDT Pharm., Inc. on October 1, 1995.

9 B. from NDT Pharm., Inc. to NDT Pharm. Management LLC on January 10,  
10 1998.

11 C. from NDT Pharm. Management LLC to Greenfield Distributing, Inc. on  
12 September 5, 2001.

13 **CHARGES AND ALLEGATIONS**

14 **FIRST CAUSE FOR DISCIPLINE**  
15 **(Failure to Maintain and Provide Required Records)**

16 16. Respondent Greenfield's wholesale license and Respondent Nguyen's  
17 exemptee certificate are subject to disciplinary action under Code sections 4301(j), 4301(o),  
18 4081(a), 4081(b), 4105(a), 4105(b), 4105(c), 4332, 4333(a), and CCR section 1783(e) in that  
19 Greenfield and Nguyen failed to maintain and provide to the Board records related to the  
20 acquisition and disposition of Viagra, as set forth in paragraphs 6, 7, 8, 11, 12, 13, and 14 above.

21 **SECOND CAUSE FOR DISCIPLINE**  
22 **(Failure to Maintain and Provide Required Records)**

23 17. Respondent Greenfield's wholesale license and Respondent Nguyen's  
24 exemptee certificate are subject to disciplinary action under Code sections 4301(j), 4301(o),  
25 4081(a), 4081(b), 4105(a), 4105(b), 4105(c), 4332, 4333(a), and CCR section 1783(e) in that  
26 Greenfield and Nguyen failed to maintain and provide to the Board records related to the  
27 acquisition of dangerous drugs, as set forth in paragraphs 7 and 9 above.

28 ///



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 Wholesale License No. WLS 2841, issued to Greenfield Pharmaceutical, Thuan Dinh Ngo, owner;
2. Revoking or suspending Exemptee Certificate No. EXC 12690, issued to Thong Van Nguyen;
3. Ordering Greenfield Pharmaceutical, its owner Thuan Dinh Ngo, and Thong Van Nguyen to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED: 2/6/04

*P. J. Harris*

PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

RAC:kc

80012395.wpd

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**

(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: GREENFIELD  
PHARMACEUTICAL, THUAN DINH NGO and THONG VAN NGUYEN**

No.: 2594

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On February 27, 2004, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West "A" Street, Suite 1100, San Diego, California 92101 addressed as follows

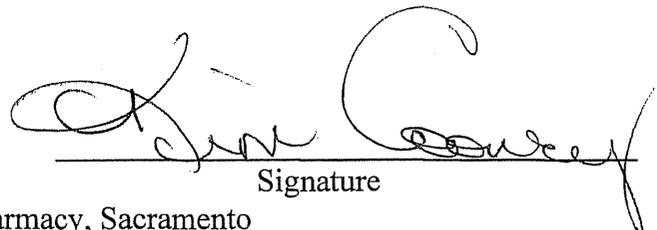
**Greenfield Pharmaceutical  
Thuan Dinh Ngo, Owner  
9039 Bolsa Avenue, Suite 207-A  
Westminster, CA 92683  
Certified Mail number  
7160 3901 9848 2682 6710**

**Thong Van Nguyen  
9039 Bolsa Ave., Ste. 207-A  
Westminster, CA 92683  
Certified Mail number  
7160 3901 9848 2682 6727**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 27, 2004, at San Diego, California.

\_\_\_\_\_  
Kim Cooney

Declarant

\_\_\_\_\_  
  
Signature

cc: Kim deLong, Enforcement Tech., Bd. of Pharmacy, Sacramento

7160 3901 9848 2682 6710

**TO:** Greenfield Pharmaceutical  
Thuan Dinh Ngo, Owner  
9039 Bolsa Ave., Ste. 207-A  
Westminster, CA 92683

**SENDER:** Ronald Casino

**REFERENCE:** Greenfield Pharmaceutical

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

US Postal Service <b>Receipt for Certified Mail</b>  No Insurance Coverage Provided Do Not Use for International Mail	POSTMARK OR DATE
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UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

● PRINT YOUR NAME, ADDRESS AND ZIP CODE BELOW ●

ATTORNEY GENERAL  
SAN DIEGO  
2006 MAR 7 AM 9:56

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE  
PO BOX 85266  
SAN DIEGO CA 92186-9961

RONALD A. CASINO

7160 3901 9848 2682 6727

**TO:** Thong Van Nguyen  
9039 Bolsa Ave., Ste. 207-A  
Westminster, CA 92683

**SENDER:** Ronald Casino

**REFERENCE:** Greenfield Pharmaceutical

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

US Postal Service <b>Receipt for Certified Mail</b>  No Insurance Coverage Provided Do Not Use for International Mail	POSTMARK OR DATE
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2. Article Number



7160 3901 9848 2682 6727

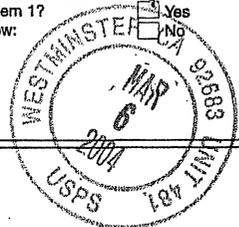
3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:  
Thong Van Nguyen  
9039 Bolsa Ave., Ste. 207-A  
Westminster, CA 92683

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) <i>HS</i>	B. Date of Delivery
C. Signature <i>[Signature]</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	



Greenfield Pharmaceutical

Ronald Casino

Exhibit B  
Notices of Defense

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

In the Matter of the Accusation Against:

GREENFIELD PHARMACEUTICAL  
THUAN DINH NGO, OWNER

and

THONG VAN NGUYEN

Respondents.

Case No. 2594

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the .

DATED: 3-11-04

Respondent's Name	<u>Thong Van Nguyen</u>
Respondent's Signature	<u></u>
Respondent's Mailing Address	<u>9039 Bolsa Ave., Ste. 207-A</u>
City, State and Zip Code	<u>Westminster, CA 92683</u>
Respondent's Telephone Number	<u>c/o H. Weinberg (310) 315-8200</u>

**Check appropriate box:**

I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name	<u>Herbert L. Weinberg</u>
Counsel's Mailing Address	<u>1620 26th St., Ste. 6000N</u>
City, State and Zip Code	<u>Santa Monica, CA 90404</u>
Counsel's Telephone Number	<u>310.315.8200</u>

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

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

In the Matter of the Accusation Against:

GREENFIELD PHARMACEUTICAL  
THUAN DINH NGO, OWNER

and

THONG VAN NGUYEN

Respondents.

Case No. 2594

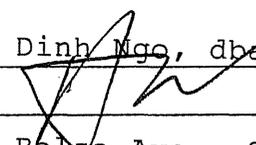
**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the .

DATED: 3-11-04

Respondent's Name	<u>Thuan Dinh Ngo, dba Greenfield Pharmaceutica</u>
Respondent's Signature	
Respondent's Mailing Address	<u>9039 Bolsa Ave., Ste. 207-A</u>
City, State and Zip Code	<u>Westminster, CA 92683</u>
Respondent's Telephone Number	<u>c/o H. Weinberg 310.315.8200</u>

**Check appropriate box:**

I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name	<u>Herbert L. Weinberg</u>
Counsel's Mailing Address	<u>1620 26th St., Ste. 6000N</u>
City, State and Zip Code	<u>Santa Monica, CA 90404</u>
Counsel's Telephone Number	<u>310.315.8200</u>

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

Exhibit C  
Withdrawals of Notice of Defense



**Van Etten Suzumoto & Becket LLP**  
Attorneys at Law

June 28, 2004

HERBERT L. WEINBERG  
HWEINBERG@VSBLAW.COM

Ronald A. Casino  
Deputy Attorney General  
California Department of Justice  
110 West "A" Street, Suite 1100  
San Diego, CA 92101

**Re: In the Matter of the Accusation Against:  
Greenfield Pharmaceutical, Thuan Dinh Ngo, Owner  
Thong Van Nguyen  
Board of Pharmacy Case No. 2594**

Dear Mr. Casino:

Greenfield Pharmaceutical, by the signature of its owner below, hereby withdraws his Notice of Defense dated March 11, 2004, and waives the right to a hearing in the above referenced case.

Respondent understands that the withdrawal of his Notice of Defense will result in a default revocation of his licensure by the Board of Pharmacy.

ACKNOWLEDGED:

Greenfield Pharmaceutical

By: \_\_\_\_\_  
Thuan Dinh Ngo, its owner

APPROVED AS TO FORM AND CONTENT:

Van Etten Suzumoto & Becket, LLP

By: \_\_\_\_\_  
Herbert L. Weinberg  
Counsel for Respondent



**Van Etten Suzumoto & Becket LLP**  
Attorneys at Law

June 28, 2004

HERBERT L. WEINBERG  
HWEINBERG@VSBLAW.COM

Ronald A. Casino  
Deputy Attorney General  
California Department of Justice  
110 West "A" Street, Suite 1100  
San Diego, CA 92101

**Re: In the Matter of the Accusation Against:  
Greenfield Pharmaceutical, Thuan Dinh Ngo, Owner  
Thong Van Nguyen  
Board of Pharmacy Case No. 2594**

Dear Mr. Casino:

Respondent Thong Van Nguyen, by his signature below, hereby withdraws his Notice of Defense dated March 11, 2004, and waives his right to a hearing in the above referenced case.

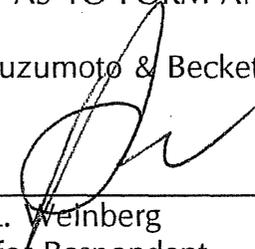
Respondent understands that the withdrawal of his Notice of Defense will result in a default revocation of his licensure by the Board of Pharmacy.

ACKNOWLEDGED:

  
\_\_\_\_\_  
Thong Van Nguyen

APPROVED AS TO FORM AND CONTENT:

Van Etten Suzumoto & Becket, LLP

By:   
\_\_\_\_\_  
Herbert L. Weinberg  
Counsel for Respondent