

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

In the Matter of the Accusation Against:

Case No. 3386

**THAO PHUONG LE-NGHIEM AKA
THAO PHUONG LENGHIEM AKA
KATHY LENGHIEM**

1221 Lyndon St., #12
South Pasadena, CA 91030

Pharmacy Technician License No. TCH 70474

Respondent.

DECISION AND ORDER

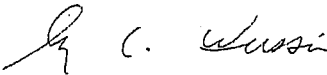
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 11, 2012.

It is so ORDERED December 12, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
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Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:
11 **THAO PHUONG LE-NGHIEM AKA**
12 **THAO PHUONG LENGHIEM AKA**
13 **KATHY LENGHIEM**
14 **aka Kathy Lenghiem**
15 **1221 Lyndon St., #12**
South Pasadena, CA 91030
Pharmacy Technician License No. TCH
70474

Case No. 3386

OAH No. L-2011021045

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by William D. Gardner, Deputy Attorney
24 General.

25 2. Thao Phuong Le-Nghiem aka Thao Phuong Lenghiem aka Kathy Lenghiem is
26 representing herself in this proceeding and has chosen not to exercise her right to be represented
27 by counsel.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 3386, agrees that cause exists for discipline and hereby surrenders her
4 Pharmacy Technician License No. TCH 70474 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of her Pharmacy Technician License without further process.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
9 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
10 communicate directly with the Board regarding this stipulation and surrender, without notice to or
11 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
12 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
13 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
14 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
15 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
16 be disqualified from further action by having considered this matter.

17 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
18 License and Order, including facsimile signatures thereto, shall have the same force and effect as
19 the originals.

20 12. This Stipulated Surrender of License and Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
24 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
25 executed by an authorized representative of each of the parties.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:

28 ///

1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Pharmacy.

3
4 DATED: 9/19/11



5 THAO PHUONG LE-NGHIEM AKA THAO
6 PHUONG LENGHIEM AKA KATHY
7 LENGHIEM
8 Respondent

8 ENDORSEMENT

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
10 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

11 Dated: September __, 2011

Respectfully submitted,

12 KAMALA D. HARRIS
13 Attorney General of California
14 KAREN B. CHAPPELLE
15 Supervising Deputy Attorney General

16 WILLIAM D. GARDNER
17 Deputy Attorney General
18 *Attorneys for Complainant*

19 LA2009603811
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1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Pharmacy.

3
4 DATED: _____
5 THAO PHUONG LE-NGHIEM AKA THAO
6 PHUONG LENGHIEM AKA KATHY
7 LENGHIEM
8 Respondent

8 **ENDORSEMENT**

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
10 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

11 Dated: September 19, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 3386

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
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Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 3386

13 **THAO PHUONG LE-NGHIEM**
14 **aka THAO PHUONG LENGHIEM**
15 **aka KATHY LENGHIEM**
16 1221 Lyndon St., #12
17 South Pasadena, CA 91030

FIRST AMENDED ACCUSATION

18 Pharmacy Technician License No. TCH 70474

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about July 15, 2006, the Board issued Pharmacy Technician License No. TCH
26 70474 to Thao Phuong Le-Nghiem aka Thao Phuong Lenghiem aka Kathy Lenghiem
27 (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant
28 to the charges brought herein and will expire on November 30, 2011, unless renewed.

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1 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
2 crime or act shall be considered substantially related to the qualifications, functions or duties of a
3 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

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5 licensee or registrant to perform the functions authorized by his license or registration in a manner
6 consistent with the public health, safety, or welfare."

7 **COST RECOVERY**

8 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
9 law judge to direct a licentiate found to have committed a violation or violations of the licensing
10 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
11 case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Conviction of Substantially Related Crimes)**

14 10. Respondent is subject to disciplinary action under sections 490, 4300, subdivision (a),
15 4301, subdivision (1), in conjunction with California Code of Regulations, title 16, section 1770,
16 in that Respondent was convicted of crimes substantially related to the qualifications, duties and
17 functions of a licensee which to a substantial degree evidence her present or potential unfitness to
18 perform the functions authorized by her license in a manner consistent with the public health,
19 safety, or welfare, as follows:

20 a. On or about October 22, 2010, after pleading nolo contendere, Respondent was
21 convicted of one misdemeanor count of violating Penal Code section 459 [petty theft] in the
22 criminal proceeding entitled *The People of the State of California v. Thao Lenghiem* (Super. Ct.
23 Los Angeles County, 2009, No. GA078526). The Court placed Respondent on three (3) years
24 probation and ordered her to stay away from Rite Aid, 914 Fair Oaks, South Pasadena, California.

25 b. The circumstances of the conviction are that on or about November 30, 2009,
26 Respondent entered Rite Aid, removed cosmetic items valued at \$18, and exited the store without
27 paying for the items.

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1 c. On or about October 5, 2009, Respondent was convicted by the jury of one felony
2 count of violating Penal Code section 32 [accessory after the fact] in the criminal proceeding *The*
3 *People of the State of California v. Thao Phuong Le Nghiem* (Super. Ct. Los Angeles County,
4 2009, No. GA070684). Respondent was ordered to serve 40 months in state prison, to register as
5 a street gang participant, among others. On or about November 13, 2009, Respondent was
6 released on parole with 1,218 days credit for time served. Respondent filed an appeal. On or
7 about March 18, 2011, the appellate court issued a decision affirming the judgment.

8 d. The circumstances surrounding the conviction are that in 2006, Respondent was a
9 member of the Asian street gang "Wah Ching". On or about December 1, 2006, Respondent was
10 in the car with D.D., a Wah Ching gang member who was out on probation, G.Q., Respondent's
11 boyfriend and a former Wah Ching gang member, and another male known as "Paul". The four
12 of them drove up to a popular café Lollicup in San Gabriel. As their car approached the crowd
13 outside the café, D.D. pulled out a gun and fired several rounds at a group of youngsters, injuring
14 one and fatally killing another. On December 5, 2006, while interviewed by the detectives,
15 Respondent denied she was at Lollicup with D.D., G.Q. or Paul the evening of the shooting. On
16 or about August 28, 2007, during a second interview by the detectives, Respondent recanted her
17 previous statements and admitted that she was with the other three on December 1, 2006 and
18 witnessed the shooting, but claimed she was threatened by D.D. thereafter.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

21 11. Respondent is subject to disciplinary action under sections 4300, subdivision (a), and
22 4301, subdivision (f), on the grounds of unprofessional conduct, in that on or about December 1,
23 2006 and November 30, 2009, she committed acts involving moral turpitude, dishonesty, fraud,
24 deceit, or corruption. Complainant refers to and by this reference incorporates the allegations set
25 forth above in paragraph 10 inclusive, as though set forth fully.

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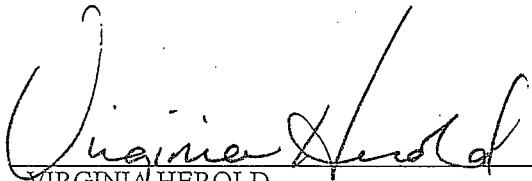
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 70474, issued to Respondent;
2. Ordering Respondent 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: 4/29/11



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

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12/15/2010dmm