

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

In the Matter of the Accusation Against:

**JIN HONG  
5608 Sentori Ct  
Bakersfield, CA 93306**

**Pharmacist License No. RPH 52141**

Respondent.

Case No. 3694

OAH Case No. 2011070018

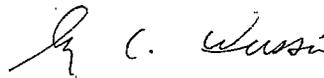
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 March 9, 2012.

It is so ORDERED on February 8, 2012.

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 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 BRIAN S. TURNER  
Deputy Attorney General  
4 State Bar No. 108991  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0603  
Facsimile: (916) 327-8643  
7 E-mail: Brian.Turner@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **JIN HONG**  
13 1604 Tres Picos Dr.  
14 Yuba City, CA 95993

15 Pharmacist License No. RPH 52141

16 Respondent.

Case No. 3694

OAH No. 2011070018

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Kamala D. Harris, Attorney General of the State of California, by Brian S. Turner, Deputy  
24 Attorney General.

25 2. Jin Hong (Respondent) is represented in this proceeding by attorney Jay Hartz, whose  
26 address is 1875 Century Park East, Suite 1600, Los Angeles, CA 90067.

27 3. On or about September 11, 2000, the Board of Pharmacy issued Pharmacist License  
28 No. RPH 52141 to Jin Hong. The Pharmacist License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 3694 and will expire on March 31, 2012, unless  
2 renewed.

3 **JURISDICTION**

4 4. Accusation No. 3694 was filed before the Board, Department of Consumer Affairs,  
5 and is currently pending against Respondent. The Accusation and all other statutorily required  
6 documents were properly served on Respondent on June 29, 2010. Respondent timely filed his  
7 Notice of Defense contesting the Accusation. On June 20, 2011 Respondent was served with a  
8 First Amended Accusation and all statutorily required documents. A copy of the First Amended  
9 Accusation No. 3694 is attached as Exhibit A and incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in the First Amended Accusation No. 3694. Respondent also has  
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Surrender of License and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in the First  
26 Amended Accusation No. 3694, agrees that cause exists for discipline and hereby surrenders his  
27 Pharmacist License No. RPH 52141 for the Board's formal acceptance.  
28



1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
2 license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a Pharmacist in California as of the  
4 effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or petition for reinstatement in  
8 the State of California, the Board shall treat it as an application for licensure. Respondent must  
9 comply with all the laws, regulations and procedures for licensure in effect at the time the  
10 application and/or petition is filed. All the charges and allegations contained in Accusation No.  
11 3694 shall be deemed to be true, correct and admitted by Respondent when the Board determines  
12 whether to grant or deny the application.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
14 amount of \$6,632.00 prior to issuance of a new license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or  
16 petition for reinstatement of a license, by any other health care licensing agency in the State of  
17 California, all of the charges and allegations contained in Accusation, No. 3694 shall be deemed  
18 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
19 other proceeding seeking to deny or restrict licensure.

20 7. Respondent shall not be eligible to apply for a new license for three (3) years from the  
21 effective date adopting the Stipulated Surrender and Order.

22 ///

23 ///

24 ///

25 ///

26 ///

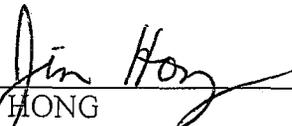
27 ///

28 ///

**ACCEPTANCE**

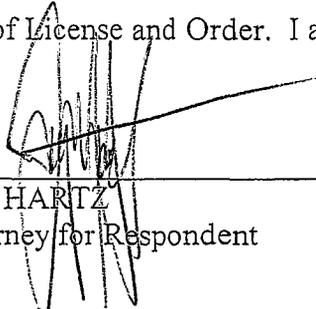
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Jay Hartz. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: November 8, 2011

  
JIN HONG  
Respondent

I have read and fully discussed with Respondent Jin Hong the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

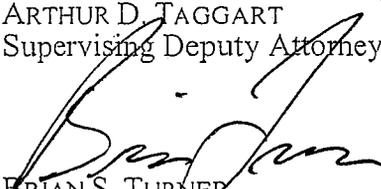
DATED: Nov 15, 2011

  
JAY HARTZ  
Attorney for Respondent

**ENDORSEMENT**

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

Dated: Nov 15, 2011

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
  
BRIAN S. TURNER  
Deputy Attorney General  
*Attorneys for Complainant*

SA2010101204  
Stipulation.rtf

**Exhibit A**

**Accusation No. 3694**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 BRIAN S. TURNER  
Deputy Attorney General  
4 State Bar No. 108991  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0603  
Facsimile: (916) 327-8643  
7 E-mail: Brian.Turner@doj.ca.gov  
*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. 3694

13 **JIN HONG**  
1604 Tres Picos Dr.  
14 Yuba City, CA 95993  
15 Pharmacist License No. RPH 52141

**FIRST AMENDED ACCUSATION**

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about September 11, 2000, the Board of Pharmacy issued Pharmacist  
23 License Number RPH 52141 to Jin Hong (Respondent). The Pharmacist License was in full force  
24 and effect at all times relevant to the charges brought herein and will expire on March 31, 2012,  
25 unless renewed.

26 ///

27 ///

28 ///

**JURISDICTION**

1  
2           3.       This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

**STATUTORY AND REGULATORY PROVISIONS**

5  
6           4.       Section 480(a)3)(A) provides in pertinent part the Board may deny a license to  
7 anyone who performs an act or acts which if done by a licentiate would be grounds for suspension  
8 or revocation of the license.

9           5.       Section 490 of the Code provides, in pertinent part, that a board may suspend or  
10 revoke a license on the ground that the licensee has been convicted of a crime substantially  
11 related to the qualifications, functions, or duties of the business or profession for which the  
12 license was issued.

13           6.       Section 492 of the Code states in pertinent part, successful completion of any  
14 diversion program under the Penal Code, or successful completion of an alcohol assessment  
15 program provided by the Vehicle Code, shall not prohibit any agency from taking disciplinary  
16 action against a licensee even if the evidence appears in an arrest report.

17           7.       Section 493 of the Code states in pertinent part, in a proceeding conducted by a  
18 board within the department to suspend or revoke a license or otherwise take disciplinary action  
19 against a person who holds a license, upon the ground that the applicant or the licensee has been  
20 convicted of a crime substantially related to the qualifications, functions, and duties of the  
21 licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact  
22 that the conviction occurred and the board may inquire into the circumstances surrounding the  
23 commission of the crime in order to fix the degree of discipline.

24           8.       Section 4300 provides in relevant part:

25           “(a) Every license issued may be suspended or revoked.”

26       ///

27       ///

28       ///

1           9.       Section 4301 provides in relevant part:

2                   “The board shall take action against any holder of a license who is guilty of  
3 unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any of the  
4 following:

5                   (a) Gross immorality.

6                   (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
7 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
8 whether the act is a felony or misdemeanor.

9                   (h) ...use of ...alcoholic beverage to the extent or in a manner dangerous to oneself  
10 ... or to others or the public.

11                   (l) The conviction of a crime substantially related to the qualifications, functions, and  
12 duties of a licensee under this chapter.

13                   p) Actions or conduct that would have warranted denial of a license.

14 For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to  
15 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act  
16 shall be considered substantially related to the qualifications, functions or duties of a licensee or  
17 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or  
18 registrant to perform the functions authorized by his license or registration in a manner consistent  
19 with the public health, safety, or welfare.

20           10.       Title 16 California Code of Regulations section 1770 provides:

21 For the purpose of denial, suspension, or revocation of a personal or facility license  
22 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
23 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
24 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
25 licensee or registrant to perform the functions authorized by his license or registration in a manner  
26 consistent with the public health, safety, or welfare.

27       ///

28       ///

1 11. Title 16 California Code of Regulations section 1769 provides in pertinent part:  
2 (b) When considering the suspension or revocation of a facility or a personal license on  
3 the ground that the licensee or the registrant has been convicted of a crime, the board, in  
4 evaluating the rehabilitation of such person and his present eligibility for a license will consider  
5 the following criteria:

- 6 (1) Nature and severity of the act(s) or offense(s).  
7 (2) Total criminal record.  
8 (3) The time that has elapsed since commission of the act(s) or offense(s).  
9 (4) Whether the licensee has complied with all terms of parole,  
10 probation, restitution or any other sanctions lawfully imposed against the licensee.  
11 (5) Evidence, if any, of rehabilitation submitted by the licensee.

12 **COST RECOVERY**

13 12. Section 125.3 of the Code provides, in pertinent part, that the  
14 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to  
15 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
16 reasonable costs of the investigation and enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct)

19 13. Respondent is subject to disciplinary action under sections 4301(a) and (f) in that  
20 respondent engaged in conduct that was grossly immoral and/or involved a crimes of moral  
21 turpitude. The circumstances are as follows:

22 14. In or about 2005, respondent was over the age of eighteen (18) when he engaged  
23 in sexual intercourse with a female, C.I., who was fourteen years of age. Respondent engaged in  
24 intercourse with the minor female on at least two occasions.

25 ///

26 ///

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Conviction of Crime )

3 15. Respondent is subject to disciplinary action under section 4301(j) in that  
4 respondent was convicted of violations of California statutes concerning unlawful intercourse  
5 with a minor and driving under the influence. The circumstances are as follows:

6 16. Paragraphs 13 and 14 are incorporated herein as though set forth at length.  
7 Respondent was convicted of crimes as follows:

8 a. On or about May 16, 2006 respondent was convicted of two counts of violation  
9 of Penal Code section 261.5, unlawful intercourse with a minor.

10 b. On or about February 28, 2008 respondent was convicted of violating Vehicle  
11 Code section 23152(b), driving while under the influence with a blood alcohol level of .08% or  
12 greater.

13 **THIRD CAUSE FOR DISCIPLINE**

14 (Conviction of a Crime Substantially Related)

15 17. Respondent is subject to disciplinary action under section 4301(l) in that  
16 respondent was convicted of crimes substantially related to the duties and qualifications of a  
17 pharmacist license. The circumstances are as follows:

18 18. Paragraphs 13, 14, 15 and 16 are incorporated herein as though set forth at length.  
19 Respondent's convictions for violations of Penal Code section 261.5 and Vehicle Code section  
20 23152 (b) evidences present or potential unfitness to perform the functions authorized by a  
21 licensee consistent with public health, safety or welfare.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 19. Respondent is subject to disciplinary action pursuant to section 4301(p) in that  
25 respondent committed acts that would warrant denial of a license. The circumstances are as  
26 follows:

27 ///

28 ///



1 **SEVENTH CAUSE FOR DISCIPLINE**

2 (Moral Turpitude)

3 25. Respondent's license is subject to disciplinary action pursuant to section 4301 (f)  
4 in that Respondent committed illegal acts involving moral turpitude. The circumstances are as  
5 follows:

6 26. Paragraphs 13, 14 and 23 are incorporated herein as though set forth at length. In  
7 doing the things alleged herein, respondent committed violations of moral turpitude with within  
8 the meaning of section 4301 (f).

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 (Dishonesty)

11 27. Respondent's license is subject to discipline pursuant to section 4301(f) in that  
12 Respondent engaged in dishonesty. The circumstances are as follows:

13 28. Paragraphs 23 and 28 are incorporated herein as though set fourth at length.  
14 Respondent's probation from the convictions for unlawful sex with a minor included a term that  
15 Respondent could not own, possess or use any dangerous or deadly weapons. Respondent was  
16 dishonest and violated probation by owning a Taser gun. Respondent admitted on July 22, 2010  
17 that he possessed a Taser gun. Respondent was found by the Superior Court of Los Angeles to  
18 have violated his probation.

19 **PRAYER**

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

22 1. Revoking or suspending Pharmacist License Number RPH 52141, issued to Jin  
23 Hong.

24 2. Ordering Jin Hong to pay the Board of Pharmacy the reasonable costs of the  
25 investigation and enforcement of this case, pursuant to Business and Professions Code section  
26 125.3;

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED:

5/27/11

*Virginia Herold*

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