

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

In the Matter of the Accusation Against:

**JOHN WAITO NG
43857 Cameron Hills Drive
Fremont, CA 94539**

Respondent.

Case No. 3969

OAH No. 2011070122

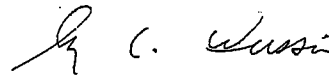
DECISION AND ORDER

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 April 23, 2012.

It is so ORDERED on March 23, 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
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Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3969

11 **JOHN WAITO NG**
12 **43857 Cameron Hills Drive**
13 **Fremont, CA 94539**

OAH No. 2011070122

14 **Pharmacist License No. RPH 33438**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
19 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
20 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 PARTIES

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

26 2. Respondent John Waito Ng (Respondent) is represented in this proceeding by
27 attorney Timothy D. Clancy, whose address is: 1290 B Street, Suite 307, Hayward, CA 94541.
28

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 33438 issued to Respondent John Waito Ng (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime; or
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacist license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

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3. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

4. Cooperate with Board Staff

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his probation. Failure to cooperate shall be considered a violation of probation.

5. Continuing Education

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board or its designee.

6. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 3969 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3969, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity licensed by the board of the terms and conditions of the decision in case number 3969 in advance

1 of the respondent commencing work at each licensed entity. A record of this notification must be
2 provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
4 (15) days of respondent undertaking any new employment by or through a pharmacy employment
5 service, respondent shall cause his direct supervisor with the pharmacy employment service to
6 report to the board in writing acknowledging that he has read the decision in case number 3969
7 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
8 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

9 Failure to timely notify present or prospective employer(s) or to cause that/those
10 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
11 probation.

12 "Employment" within the meaning of this provision shall include any full-time,
13 part-time, temporary, relief or pharmacy management service as a pharmacist or any
14 position for which a pharmacist license is a requirement or criterion for employment,
15 whether the respondent is an employee, independent contractor or volunteer.

16 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
17 **Designated Representative-in-Charge, or Serving as a Consultant**

18 During the period of probation, respondent shall not supervise any intern pharmacist, be the
19 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
20 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
21 unauthorized supervision responsibilities shall be considered a violation of probation.

22 **8. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the
24 board its costs of investigation and prosecution in the amount of \$2803.75. Respondent shall
25 make said payments as follows: 46 (forty-six) monthly payments in the amount of \$60.00, and a
26 48th (forty-eighth) payment in the amount of \$43.75.

1 There shall be no deviation from this schedule absent prior written approval by the board or
2 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
3 probation.

4 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
5 reimburse the board its costs of investigation and prosecution.

6 **9. Probation Monitoring Costs**

7 Respondent shall pay any costs associated with probation monitoring as determined by the
8 board each and every year of probation. Such costs shall be payable to the board on a schedule as
9 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
10 be considered a violation of probation.

11 **10. Status of License**

12 Respondent shall, at all times while on probation, maintain an active, current license with
13 the board, including any period during which suspension or probation is tolled. Failure to
14 maintain an active, current license shall be considered a violation of probation.

15 If respondent's license expires or is cancelled by operation of law or otherwise at any time
16 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
17 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
18 probation not previously satisfied.

19 **11. License Surrender While on Probation/Suspension**

20 Following the effective date of this decision, should respondent cease practice due to
21 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
22 respondent may tender his license to the board for surrender. The board or its designee shall have
23 the discretion whether to grant the request for surrender or take any other action it deems
24 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
25 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
26 record of discipline and shall become a part of the respondent's license history with the board.

27 Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to
28 the board within ten (10) days of notification by the board that the surrender is accepted.

1 Respondent may not reapply for any license from the board for three (3) years from the effective
2 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
3 of the date the application for that license is submitted to the board, including any outstanding
4 costs.

5 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
6 **Employment**

7 Respondent shall notify the board in writing within ten (10) days of any change of
8 employment. Said notification shall include the reasons for leaving, the address of the new
9 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
10 shall further notify the board in writing within ten (10) days of a change in name, residence
11 address, mailing address, or phone number.

12 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
13 phone number(s) shall be considered a violation of probation.

14 **13. Tolling of Probation**

15 Except during periods of suspension, respondent shall, at all times while on probation, be
16 employed as a pharmacist in California for a minimum of 40 (forty) hours per calendar month.
17 Any month during which this minimum is not met shall toll the period of probation, i.e., the
18 period of probation shall be extended by one month for each month during which this minimum is
19 not met. During any such period of tolling of probation, respondent must nonetheless comply
20 with all terms and conditions of probation.

21 Should respondent, regardless of residency, for any reason (including vacation) cease
22 practicing as a pharmacist for a minimum of 40 (forty) hours per calendar month in California,
23 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
24 must further notify the board in writing within ten (10) days of the resumption of practice. Any
25 failure to provide such notification(s) shall be considered a violation of probation.

26 It is a violation of probation for respondent's probation to remain tolled pursuant to the
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,
28 exceeding thirty-six (36) months.

1 "Cessation of practice" means any calendar month during which respondent is
2 not practicing as a pharmacist for at least 40 (forty) hours, as defined by Business and
3 Professions Code section 4000 et seq . "Resumption of practice" means any calendar
4 month during which respondent is practicing as a pharmacist for at least 40 (forty) as
5 defined by Business and Professions Code section 4000 et seq.

6 **14. Violation of Probation**

7 If respondent has not complied with any term or condition of probation, the board shall
8 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
9 all terms and conditions have been satisfied or the board has taken other action as deemed
10 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
11 to impose the penalty that was stayed.

12 If respondent violates probation in any respect, the board, after giving respondent notice
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
14 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
15 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
16 a petition to revoke probation or an accusation is filed against respondent during probation, the
17 board shall have continuing jurisdiction and the period of probation shall be automatically
18 extended until the petition to revoke probation or accusation is heard and decided.

19 **15. Completion of Probation**

20 Upon written notice by the board or its designee indicating successful completion of
21 probation, respondent's license will be fully restored.

22 **16. Suspension**

23 As part of probation, respondent is suspended from the practice of pharmacy for 7 (seven)
24 days beginning the effective date of this decision.

25 During suspension, respondent shall not enter any pharmacy area or any portion of the
26 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
27 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
28 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act

1 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
2 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
3 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
4 and devices or controlled substances.

5 Respondent shall not engage in any activity that requires the professional judgment of a
6 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
7 Respondent shall not perform the duties of a pharmacy technician or a designated representative
8 for any entity licensed by the board.

9 Subject to the above restrictions, respondent may continue to own or hold an interest in any
10 licensed premises in which he holds an interest at the time this decision becomes effective unless
11 otherwise specified in this order.

12 Failure to comply with this suspension shall be considered a violation of probation.

13 **17. Community Services Program**

14 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
15 board or its designee, for prior approval, a community service program in which respondent shall
16 provide free health-care related services on a regular basis to a community or charitable facility or
17 agency for at least fifty (50) hours per year during the course of probation (a total of 250 hours).
18 Within thirty (30) days of board approval thereof, respondent shall submit documentation to the
19 board demonstrating commencement of the community service program. A record of this
20 notification must be provided to the board upon request. Respondent shall report on progress
21 with the community service program in the quarterly reports. Failure to timely submit,
22 commence, or comply with the program shall be considered a violation of probation.

23 **18. Remedial Education**

24 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
25 board or its designee, for prior approval, an appropriate program of remedial education. The
26 program of remedial education shall consist of at least 15 hours, which shall be completed within
27 one year at respondent's own expense. All remedial education shall be in addition to, and shall
28 not be credited toward, continuing education (CE) courses used for license renewal purposes.

1 Failure to timely submit or complete the approved remedial education shall be considered a
2 violation of probation. The period of probation will be automatically extended until such
3 remedial education is successfully completed and written proof, in a form acceptable to the board,
4 is provided to the board or its designee.

5 Following the completion of each course, the board or its designee may require the
6 respondent, at his own expense, to take an approved examination to test the respondent's
7 knowledge of the course. If the respondent does not achieve a passing score on the examination,
8 this failure shall be considered a violation of probation. Any such examination failure shall
9 require respondent to take another course approved by the board in the same subject area.

10 **19. Supervised Practice**

11 During the period of probation, respondent shall practice only under the supervision of a
12 licensed pharmacist not on probation with the board. Upon and after the effective date of this
13 decision, respondent shall not practice pharmacy and his license shall be automatically suspended
14 until a supervisor is approved by the board or its designee. The supervision shall be, as required
15 by the board or its designee, either:

16 Continuous – At least 75% of a work week

17 Substantial - At least 50% of a work week

18 Partial - At least 25% of a work week

19 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

20 Within thirty (30) days of the effective date of this decision, respondent shall have his
21 supervisor submit notification to the board in writing stating that the supervisor has read the
22 decision in case number 3969 and is familiar with the required level of supervision as determined
23 by the board or its designee. It shall be the respondent's responsibility to ensure that his
24 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
25 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
26 acknowledgements to the board shall be considered a violation of probation.

27 If respondent changes employment, it shall be the respondent's responsibility to ensure that
28 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to

1 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
2 commences, submit notification to the board in writing stating the direct supervisor and
3 pharmacist-in-charge have read the decision in case number 3969 and is familiar with the level of
4 supervision as determined by the board. Respondent shall not practice pharmacy and his license
5 shall be automatically suspended until the board or its designee approves a new supervisor.
6 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
7 acknowledgements to the board shall be considered a violation of probation.

8 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

9 During suspension, respondent shall not enter any pharmacy area or any portion of the
10 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
11 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
12 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
13 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
14 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
15 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
16 and controlled substances. Respondent shall not resume practice until notified by the board.

17 During suspension, respondent shall not engage in any activity that requires the
18 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
19 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
20 designated representative for any entity licensed by the board.

21 Subject to the above restrictions, respondent may continue to own or hold an interest in any
22 licensed premises in which he holds an interest at the time this decision becomes effective unless
23 otherwise specified in this order.

24 Failure to comply with this suspension shall be considered a violation of probation.

25 **20. No Ownership of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
28 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
 2 days following the effective date of this decision and shall immediately thereafter provide written
 3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
 4 documentation thereof shall be considered a violation of probation.

5 **21. Ethics Course**

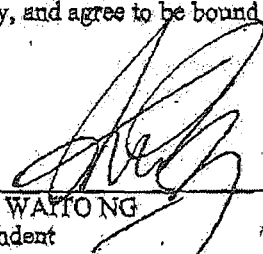
6 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
 7 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
 8 Failure to initiate the course during the first year of probation, and complete it within the second
 9 year of probation, is a violation of probation.

10 Respondent shall submit a certificate of completion to the board or its designee within five
 11 days after completing the course.

12
 13 **ACCEPTANCE**

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 15 discussed it with my attorney, Timothy D. Clancy. I understand the stipulation and the effect it
 16 will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
 17 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
 18 of the Board of Pharmacy.

19
 20 DATED: 12/1/2011

21 

 JOHN WAITO NG
 Respondent

22 I have read and fully discussed with Respondent John Waito Ng the terms and conditions
 23 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
 24 its form and content.

25 DATED: Dec. 1, 2011

26 

 Timothy D. Clancy
 Attorney for Respondent

ENDORSEMENT

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

Dated: ~~November~~ ^{December 2} __, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

CHAR SACHSON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3969

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2 FRANK H. PACOE
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10 In the Matter of the Accusation Against:

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11 **JOHN WAITO NG**
12 **43857 Cameron Hills Drive**
13 **Fremont, CA 94539**
Pharmacist License No. RPH 33438

ACCUSATION

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

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

20 2. On or about October 10, 1979, the Board of Pharmacy issued Pharmacist License
21 Number RPH 33438 to John Waito Ng (Respondent). The Pharmacist License was in full force
22 and effect at all times relevant to the charges brought herein and will expire on October 31, 2012,
23 unless renewed.

24 JURISDICTION

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

1 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
2 drug or dangerous device except upon the prescription of an authorized prescriber.

3 10. Section 4060 of the Code, in pertinent part, prohibits possession of any controlled
4 substance, except that furnished upon the prescription of an authorized prescriber.

5 11. Section 4063 of the Code provides, in pertinent part, that no prescription for a
6 dangerous drug may be refilled except upon authorization of the prescriber.

7 12. Section 4324(a) of the Code provides:

8 “Every person who signs the name of another, or of a fictitious person, or falsely makes,
9 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
10 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the
11 state prison, or by imprisonment in the county jail for not more than one year.”

12 13. Health and Safety Code section 11158 provides, in pertinent part, that except under
13 certain conditions, no controlled substance classified in Schedule III, IV, or V may be dispensed
14 without a prescription meeting the requirements of Health & Safety Code, § 11500 et seq.

15 14. Health and Safety Code section 11171 provides that no person shall prescribe,
16 administer, or furnish a controlled substance except under the conditions and in the manner
17 provided by the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

18 15. Health and Safety Code section 11173, subdivision (a), provides that no person shall
19 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
20 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
21 or subterfuge; or (2) by the concealment of a material fact.

22 16. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
23 any narcotic drug listed in Schedules III-V, absent a valid prescription.

24 17. Health and Safety Code section 11352, in pertinent part, makes it unlawful to sell,
25 transport, furnish, administer, or give away, any controlled substance classified in Schedule III,
26 IV, or V which is a narcotic drug, unless upon written prescription of a authorized prescriber.

27 18. Health and Safety Code section 11368 provides:
28

1 FIFTH CAUSE FOR DISCIPLINE

2 (Dispensing/Administering/Furnishing Pursuant to Invalid Prescription(s))

3 34. Respondent is subject to discipline under section 4301 (j) and/or (o) of the Code, in
4 that Respondent, as described in paragraphs 27, 28 and 29 above, dispensed/administered/
5 furnished, attempted or assisted or abetted dispensing/administering/furnishing, or conspired to
6 dispense/administer/furnish, controlled substance prescriptions not meeting requirements of the
7 Uniform Controlled Substances Act, in violation of Health and Safety Code section(s) 11158
8 and/or 11171.

9 SIXTH CAUSE FOR DISCIPLINE

10 (False or Fraudulent Procurement of Controlled Substance(s)/Prescription(s))

11 35. Respondent is subject to discipline under section 4301 (j) and/or (o) of the Code, in
12 that Respondent, as described in paragraphs 27, 28 and 29 above, obtained/attempted to obtain
13 and/or assisted in or abetted and/or conspired to obtain controlled substances, procured/attempted
14 to procure, assisted in or abetted, and/or conspired to procure administration of or prescriptions
15 for controlled substances, by fraud, deceit, subterfuge misrepresentation, or concealment of fact,
16 in violation of Health and Safety Code section 11173, subdivision (a).

17 SEVENTH CAUSE FOR DISCIPLINE

18 (Forgery of Prescription(s))

19 36. Respondent is subject to discipline under section 4301 (j) and/or (o) of the Code, in
20 that Respondent, as described in paragraphs 27, 28 and 29 above, signed the name of another, or
21 falsely made, altered, forged, uttered, published, passed, or attempted to pass, as genuine, a
22 prescription for controlled substances, or obtained a narcotic drug by a forged, fictitious, or
23 altered prescription, or had in his possession a narcotic drug secured by a forged, fictitious, or
24 altered prescription, in violation of section 4324 and Health and Safety Code section 11168.

25 EIGHTH CAUSE FOR DISCIPLINE

26 (Unprofessional Conduct)

27 37. Respondent is subject to disciplinary action under section 4301 of the Code in that
28 Respondent, by way of the conduct described in paragraphs 27, 28 and 29 above, engaged in

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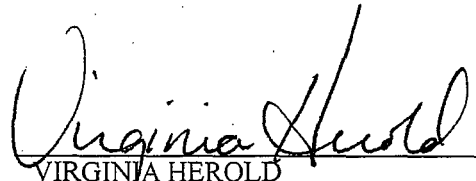
“unprofessional conduct” not becoming the profession of pharmacy.

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 Pharmacist License Number RPH 33438, issued to John Waito Ng;
2. Ordering John Waito Ng 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/6/11


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

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