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

In the Matter of the Accusation Against:

Case No. 4173

YOEUN YOEUTH P.O. Box 693372 Stockton, CA 95269

Pharmacy Technician Registration No. TCH 54814

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 September 14, 2012.

It is so ORDERED on August 15, 2012.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STANLEY C. WEISSER Board President

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1	JURISDICTION
2	4. Accusation No. 4173 was filed before the Board of Pharmacy (Board), Department of
3	Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
4	statutorily required documents were properly served on Respondent on March 15, 2012.
5	Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
6	No. 4173 is attached as Exhibit A and incorporated by reference.
7	ADVISEMENT AND WAIVERS
8	5. Respondent has carefully read, and understands the charges and allegations in
9	Accusation No. 4173. Respondent also has carefully read, and understands the effects of this
10	Stipulated Surrender of License and Order.
11	6. Respondent is fully aware of her legal rights in this matter, including the right to a
12	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
13	her own expense; the right to confront and cross-examine the witnesses against her; the right to
14	present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
15	compel the attendance of witnesses and the production of documents; the right to reconsideration
16	and court review of an adverse decision; and all other rights accorded by the California
17	Administrative Procedure Act and other applicable laws.
18	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
19	every right set forth above.
20	CULPABILITY
21	8. Respondent admits the truth of each and every charge and allegation in Accusation
22	No. 4173, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
23	License No. TCH 54814 for the Board's formal acceptance.
24	9. Respondent understands that by signing this stipulation she enables the Board to issue
25	an order accepting the surrender of her Pharmacy Technician License without further process.
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27	<u>CONTINGENCY</u>
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10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 1 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 2 communicate directly with the Board regarding this stipulation and surrender, without notice to or 3 participation by Respondent. By signing the stipulation, Respondent understands and agrees that 4 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board 5 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, 6 7 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 8 be disgualified from further action by having considered this matter. 9

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

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

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

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 54814, issued to
 Respondent Yoeun Yoeuth, is surrendered and accepted by the Board of Pharmacy.

The surrender of Respondent's Pharmacy Technician License and the acceptance of
 the surrendered license by the Board shall constitute the imposition of discipline against
 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
 Respondent's license history with the Board of Pharmacy.

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Stipulated Surrender of License (Case No. 4173)

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

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

4. Respondent may not apply for licensure for a period of three years from the effective
date of the decision.

5. If she ever applies for licensure or petitions for reinstatement in the State of
California, the Board shall treat it as a new application for licensure. Respondent must comply
with all the laws, regulations and procedures for licensure in effect at the time the application or
petition is filed, and all of the charges and allegations contained in Accusation No. 4173 shall be
deemed to be true, correct and admitted by Respondent when the Board determines whether to
grant or deny the application or petition.

13 6. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$935.00 prior to issuance of a new or reinstated license.

15 7. 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. 4173 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.

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Stipulated Surrender of License (Case No. 4173)

1	ACCEPTANCE
2	I have carefully read the Stipulated Surrender of License and Order. I understand the
3	stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
4	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
5	be bound by the Decision and Order of the Board of Pharmacy.
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7	DATED: 4-24-12
8	YOEUN YOEUTH Respondent
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1		ENDORSEMENT
2	The foregoing Stipulated Surrence	ler of License and Order is hereby respectfully submitted
3	for consideration by the Board of Phar	nacy of the Department of Consumer Affairs.
4	Dated: 5/1/2012	Respectfully submitted,
5		KAMALA D. HARRIS
6		Attorney General of California ARTHUR D. TAGGART
7		Supervising Deputy Attorney General
8		ELENA L. ALMANZO
9		Deputy Attorney General
10		Attorneys for Complainant
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12 13	SA2011102255 10870756.doc	
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		6 Stipulated Surrender of License (Case No. 4173)

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Exhibit A

Accusation No. 4173

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`, Î	KAMALA D. HARRIS Attorney General of California	
2	Arthur D. TAGGART Supervising Deputy Attorney General	
3	ELENA L. ALMANZO Deputy Attorney General	
4	State Bar No. 131058 1300 I Street, Suite 125	
5	P.O. Box 944255 Sacramento, CA 94244-2550	
6	Telephone: (916) 322-5524 Facsimile: (916) 327-8643	
7	Attorneys for Complainant	
8		RE THE PHARMACY
9	DEPARTMENT OF C	ONSUMER AFFAIRS CALIFORNIA
10		
11	In the Matter of the Accusation Against:	Case No. 4173
12	YOEUN YOEUTH P.O. Box 693372	
13	Stockton, CA 95269	ACCUSATION
14	Pharmacy Technician License No. TCH	
15	54814	
16	Respondent.	
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18	Converte la la constante a lla constante	
19 20	Complainant alleges:	TIES
20 21		s this Accusation solely in her official capacity
21	as the Executive Officer of the Board of Pharmac	
22		bard of Pharmacy issued Pharmacy Technician
23		Respondent). The Pharmacy Technician License
24		
26	was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.	
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. 1	JURISDICTION
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.
5	4. Section 4300 of the Code states in pertinent part:
6	"(a) Every license issued may be suspended or revoked.
7 8	"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
9	"(1) Suspending judgment.
10	"(2) Placing him or her upon probation.
11	"(3) Suspending his or her right to practice for a period not exceeding one
12	year. "(4) Revoking his or her license.
13	"(5) Taking any other action in relation to disciplining him or her as the
14	board in its discretion may deem proper.
15	"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
16 17	Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."
18	5. Section 4301 of the Code states:
19	"The board shall take action against any holder of a license who is guilty of unprofessional
20	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
21	Unprofessional conduct shall include, but is not limited to, any of the following:
22	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as
23	a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
24	"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.
25	"(k) The conviction of more than one misdemeanor or any felony
26	involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.
27 28	"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a
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	Accusation

1 2 3 4	violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this
5	chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The
6 7	board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under
8	Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
9 10	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this
11	chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.
12	6. Section 125.3 of the Code states, in pertinent part, that the Board may request the
13	administrative law judge to direct a licentiate found to have committed a violation or violations of
14	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15	enforcement of the case.
16	7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
17	revoke a license on the ground that the licensee has been convicted of a crime substantially
18	related to the qualifications, functions, or duties of the business or profession for which the
19 20	license was issued
21	8. "Marijuana" is a Schedule I controlled substance as designated by Health and
22	Safety Code section 11054(d)(13).
23	FIRST CAUSE FOR DISCIPLINE
24	(Conviction of a Crime)
25	0 Demondant is subject to disciplinance action on demonstration (200) is contraction (1)
26	9. Respondent is subject to disciplinary action under section 4300 in conjunction with
27	4301 (j) (k) and (l) and 490, in that on or about April 23, 2008, The State of Wyoming v. Youen
28	Yoeuth, in the District Court, Second Judicial District, State of Wyoming; Case No. 6304,
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	Accusation

Respondent pled guilty to the felony of Conspiracy to Deliver a Controlled Substance to wit:
marijuana, in violation of W.S. 35-7-1042,35-7-1031 (a) (ii), a crime substantially related to the
practice of a pharmacy technician. Respondent was sentenced to time served and was placed on
three years supervised probation.
The circumstances were that on or about November 3, 2007, respondent was a passenger
in a car stopped by Wyoming Highway patrol and 39 pounds of marijuana was discovered in the
trunk of the car.
SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct)
10. Respondent is subject to disciplinary action under section 4301 (j) and (o) in that
she violated laws pertaining to the regulation of marijuana as set forth more specifically above in
paragraph 8.
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 Pharmacy Technician License Number TCH 54814, issued
to Yoeun Yoeuth.;
2. Ordering Yoeun Yoeuth 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;
3. Taking such other and further action as deemed necessary and proper.
DATED: 3/11/2 Uney ment ferder VIRGINIA HEROLD
Executive Officer Board of Pharmacy
Department of Consumer Affairs State of California
Complainant SA2011102255
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Accusation

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

In the Matter of the Accusation Against:

Case No. 4173

YOEUN YOEUTH P.O. Box 693372 Stockton, CA 95269 Pharmacy Technician License No. TCH 54814

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.

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This Decision shall become effective on

It is so ORDERED

FOR THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS

1	KAMALA D. HARRIS Attorney General of California	
2	Arthur D. Taggart	
3	Supervising Deputy Attorney General ELENA L. ALMANZO	
4	Deputy Attorney General State Bar No. 131058	
5	1300 I Street, Suite 125 P.O. Box 944255	
	Sacramento, CA 94244-2550	
6	Telephone: (916) 322-5524 Facsimile: (916) 327-8643	
7	Attorneys for Complainant	
8	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against: Case No. 4173	
12	YOEUN YOEUTH	
13	P.O. Box 693372 Stockton, CA 95269 A C C U S A T I O N	
14		
15	Pharmacy Technician License No. TCH 54814	
16	Respondent.	
17		
18		
19	Complainant alleges:	
20	PARTIES	
21	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity	
22	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
23	2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy Technician	
24	License Number TCH 54814 to Yoeun Yoeuth (Respondent). The Pharmacy Technician License	
25	was in full force and effect at all times relevant to the charges brought herein and will expire on	
26	October 31, 2013, unless renewed.	
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ĺ	Accusation	

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2	3. This Accusation is brought before the Board of Pharmacy (Board), Department of
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7 8	"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
9	"(1) Suspending judgment.
10	"(2) Placing him or her upon probation.
11	"(3) Suspending his or her right to practice for a period not exceeding one
12	year.
13	"(4) Revoking his or her license.
14	"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.
15	(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
16 17	Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."
18	5. Section 4301 of the Code states:
19	"The board shall take action against any holder of a license who is guilty of unprofessional
20	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
21	Unprofessional conduct shall include, but is not limited to, any of the following:
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23	fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
24	"(j) The violation of any of the statutes of this state, or any other state, or
25	of the United States regulating controlled substances and dangerous drugs.
26	"(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.
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	Accusation

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6	contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of
7	conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under
8	Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
9	
10	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing
11	pharmacy, including regulations established by the board or by any other state or federal regulatory agency.
12	6. Section 125.3 of the Code states, in pertinent part, that the Board may request the
13	administrative law judge to direct a licentiate found to have committed a violation or violations of
14 15	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16	enforcement of the case.
17	7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
18	revoke a license on the ground that the licensee has been convicted of a crime substantially
19	related to the qualifications, functions, or duties of the business or profession for which the
20	license was issued
21	8. "Marijuana" is a Schedule I controlled substance as designated by Health and
22	Safety Code section 11054(d)(13).
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24	(Conviction of a Crime)
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26	9. Respondent is subject to disciplinary action under section 4300 in conjunction with
27	4301 (j) (k) and (l) and 490, in that on or about April 23, 2008, The State of Wyoming v. Youen
28	Yoeuth, in the District Court, Second Judicial District, State of Wyoming; Case No. 6304,
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1	Respondent pled guilty to the felony of Conspiracy to Deliver a Controlled Substance to wit:	
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3	practice of a pharmacy technician. Respondent was sentenced to time served and was placed on	
4	three years supervised probation.	
5	The circumstances were that on or about November 3, 2007, respondent was a passenger	
6	in a car stopped by Wyoming Highway patrol and 39 pounds of marijuana was discovered in the	
7	trunk of the car.	
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	(Unprofessional Conduct)	
10	10. Respondent is subject to disciplinary action under section 4301 (j) and (o) in that	
11	she violated laws pertaining to the regulation of marijuana as set forth more specifically above in	
12	paragraph 8.	
13	PRAYER	
14	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
15	and that following the hearing, the Board of Pharmacy issue a decision:	
16	1. Revoking or suspending Pharmacy Technician License Number TCH 54814, issued	
17	to Yoeun Yoeuth.;	
18	2. Ordering Yoeun Yoeuth to pay the Board of Pharmacy the reasonable costs of the	
19	investigation and enforcement of this case, pursuant to Business and Professions Code section	
20	125.3;	
21	3. Taking such other and further action as deemed necessary and proper.	
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23		
24	DATED: 3/11/2 Uney ne Herde	
25	Executive Officer Board of Pharmacy	
26	Department of Consumer Affairs State of California	
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	Accusation	

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