



California State Board of Pharmacy

1625 N. Market Blvd, N219, Sacramento, CA 95834
Phone: (916) 574-7900
Fax: (916) 574-8618
www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
RECEIVED
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PHARMACY
GOVERNOR EDMUND G. BROWN JR.

2014 JUL -7 PM 12:44

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Nattaya Vongsithay</u>	Case No. <u>4456</u>
Address of Record: <u>719 W Christie St</u> <u>Banning CA, 92220</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 4456, I hereby request to surrender my pharmacy technician license, License No. 97480. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Nattaya Vongsithay
Applicant's Signature
[Signature]
Executive Officer's Approval

7/1/14
Date
7/9/14
Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

NATAYA VENUS VONGSIKHAY
2101 West Jefferson Street
Banning, CA 92220

Pharmacy Technician Registration No.
TCH 97480

Respondent.

Case No. 4456

OAH No. 2013040019

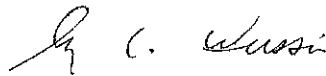
DECISION AND ORDER

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 17, 2014.

It is so ORDERED on April 10, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 WILLIAM A. BUESS
Deputy Attorney General
4 State Bar No. 134958
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2039
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 **NATAYA VENUS VONGSIKHAY,**
13 **Pharmacy Technician Registration, TCH**
14 **97480;**

15 Respondent.

Case No. 4456

OAH No. 2013040019

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings 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 A. Buess, Deputy Attorney
24 General.

25 2. Respondent Nataya Venus Vongsikhay ("Respondent") is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about December 31, 2009, the Board of Pharmacy issued Pharmacy Technician
28 registration No. TCH 97480 to Nataya Venus Vongsikhay ("Respondent"). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 4456 and is pending renewal.

3 JURISDICTION

4 4. Accusation No. 4456 was filed before the Board of Pharmacy (or "Board"),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on February 19,
7 2013. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 4456 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 4456. Respondent has also carefully read, and understands the effects of this
13 Stipulated Settlement and Disciplinary Order.

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

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

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 4456.

26 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
27 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
28 Order below.

1 RESERVATION

2 11. The admissions made by Respondent herein are only for the purposes of this
3 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
4 licensing agency is involved, and shall not be admissible in any other criminal or civil
5 proceeding.

6 CONTINGENCY

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

16 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
18 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 97480 issued
3 to Respondent Nataya Venus Vongsikhay is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for three (3) years on the following terms and conditions.

5 **1. Certification Prior to Resuming Work**

6 Respondent shall be automatically suspended from working as a pharmacy technician until
7 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides
8 satisfactory proof of certification to the board. Respondent shall not resume working as a
9 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
10 year shall be considered a violation of probation. Respondent shall not resume working as a
11 pharmacy technician until notified by the board.

12 During suspension, respondent shall not enter any pharmacy area or any portion of any
13 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
17 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
19 substances. Respondent shall not resume work until notified by the board.

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

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

24 **2. Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

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

28 An arrest or issuance of a criminal complaint for violation of any provision of the

1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
2 substances laws;
3 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
4 criminal complaint, information or indictment;
5 a conviction of any crime;
6 discipline, citation, or other administrative action filed by any state or federal agency
7 which involves respondent's Pharmacy Technician Registration or which is related to
8 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
9 billing, or charging for any drug, device or controlled substance.

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

11 **3. Report to the Board**

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

20 **4. Interview with the Board**

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

26 **5. Cooperate with Board Staff**

27 Respondent shall cooperate with the board's inspection program and with the board's
28 monitoring and investigation of respondent's compliance with the terms and conditions of her

1 probation. Failure to cooperate shall be considered a violation of probation.

2 **6. Notice to Employers**

3 During the period of probation, respondent shall notify all present and prospective
4 employers of the decision in case number 4456 and the terms, conditions and restrictions imposed
5 on respondent by the decision, as follows:

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause her direct supervisor,
8 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
9 tenure of employment) and owner to report to the board in writing acknowledging that the listed
10 individual(s) has/have read the decision in case number 4456 and the terms and conditions
11 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
12 supervisor(s) submit timely acknowledgement(s) to the board.

13 If respondent works for or is employed by or through a pharmacy employment service,
14 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
15 of the terms and conditions of the decision in case number 4456 in advance of the respondent
16 commencing work at each pharmacy. A record of this notification must be provided to the board
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
19 (15) days of respondent undertaking any new employment by or through a pharmacy employment
20 service, respondent shall cause her direct supervisor with the pharmacy employment service to
21 report to the board in writing acknowledging that she has read the decision in case number 4456
22 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
23 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

24 Failure to timely notify present or prospective employer(s) or to cause that/those
25 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
26 probation.

27 "Employment" within the meaning of this provision shall include any full-time,
28 part-time, temporary or relief service or pharmacy management service as a pharmacy

1 technician or in any position for which a pharmacy technician license is a requirement
2 or criterion for employment, whether the respondent is considered an employee,
3 independent contractor or volunteer.

4 **7. Reimbursement of Board Costs**

5 As a condition precedent to successful completion of probation, respondent shall pay to the
6 board its costs of investigation and prosecution in the amount of \$4,947.50. Respondent shall be
7 permitted to pay this amount in a payment plan approved by the Board or its designee, so long as
8 full payment is made within thirty-six (36) months. There shall be no deviation from this
9 schedule absent prior written approval by the board or its designee. Failure to pay costs by the
10 deadline(s) as directed shall be considered a violation of probation.

11 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
12 reimburse the board its costs of investigation and prosecution.

13 **8. Probation Monitoring Costs**

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

18 **9. Status of License**

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

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

26 **10. License Surrender While on Probation/Suspension**

27 Following the effective date of this decision, should respondent cease work due to
28 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,

1 respondent may tender her pharmacy technician license to the board for surrender. The board or
2 its designee shall have the discretion whether to grant the request for surrender or take any other
3 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
4 license, respondent will no longer be subject to the terms and conditions of probation. This
5 surrender constitutes a record of discipline and shall become a part of the respondent's license
6 history with the board.

7 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
8 license to the board within ten (10) days of notification by the board that the surrender is
9 accepted. Respondent may not reapply for any license, permit, or registration from the board for
10 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
11 applicable to the license sought as of the date the application for that license is submitted to the
12 board.

13 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
14 **Employment**

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

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

22 **12. Tolling of Probation**

23 Except during periods of suspension, respondent shall, at all times while on probation, be
24 employed as a pharmacy technician in California for a minimum of forty (40) hours per calendar
25 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
26 the period of probation shall be extended by one month for each month during which this
27 minimum is not met. During any such period of tolling of probation, respondent must
28 nonetheless comply with all terms and conditions of probation.

1 Should respondent, regardless of residency, for any reason (including vacation) cease
2 working as a pharmacy technician for a minimum of forty (40) hours per calendar month in
3 California, respondent must notify the board in writing within ten (10) days of cessation of work
4 and must further notify the board in writing within ten (10) days of the resumption of the work.
5 Any failure to provide such notification(s) shall be considered a violation of probation.

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

9 "Cessation of work" means calendar month during which respondent is not
10 working for at least forty (40) hours as a pharmacy technician, as defined in Business
11 and Professions Code section 4115. "Resumption of work" means any calendar
12 month during which respondent is working as a pharmacy technician for at least forty
13 (40) hours as a pharmacy technician as defined by Business and Professions Code
14 section 4115.

15 **13. Ethics Course**

16 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
17 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
18 Failure to initiate the course during the first year of probation, and complete it within the second
19 year of probation, is a violation of probation. Respondent shall submit a certificate of completion
20 to the board or its designee within five days after completing the course.

21 **14. Violation of Probation**

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

27 If respondent violates probation in any respect, the board, after giving respondent notice
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
 2 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
 3 a petition to revoke probation or an accusation is filed against respondent during probation, the
 4 board shall have continuing jurisdiction, and the period of probation shall be automatically
 5 extended until the petition to revoke probation or accusation is heard and decided.

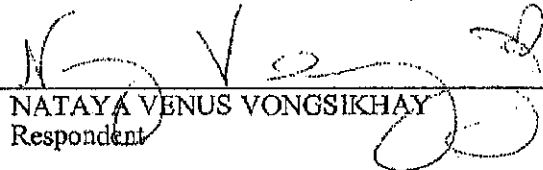
6 **15. Completion of Probation**

7 Upon written notice by the board indicating successful completion of probation,
 8 respondent's pharmacy technician license will be fully restored.

9 ACCEPTANCE

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
 11 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
 12 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
 13 to be bound by the Decision and Order of the Board of Pharmacy.

14
 15 DATED: 3/17/14

16 
 NATAYA VENUS VONGSIKHAY
 Respondent

17
 18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
 20 submitted for consideration by the Board of Pharmacy.

21 Dated:

Respectfully submitted,

22 KAMALA D. HARRIS
 Attorney General of California
 23 JAMES M. LEDAKIS
 Supervising Deputy Attorney General

24
 25
 26 WILLIAM A. BUESS
 Deputy Attorney General
 Attorneys for Complainant

27 SD2012704287
 28 70825991.docx

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
2 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
3 a petition to revoke probation or an accusation is filed against respondent during probation, the
4 board shall have continuing jurisdiction, and the period of probation shall be automatically
5 extended until the petition to revoke probation or accusation is heard and decided.

6 **15. Completion of Probation**

7 Upon written notice by the board indicating successful completion of probation,
8 respondent's pharmacy technician license will be fully restored.

9 ACCEPTANCE

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
11 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
12 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
13 to be bound by the Decision and Order of the Board of Pharmacy.

14
15 DATED: _____

16 NATAYA VENUS VONGSIKHAY
17 Respondent


18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Board of Pharmacy.

21 Dated: *MARCH 17, 2014*

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 JAMES M. LEDAKIS
Supervising Deputy Attorney General

25 
26 WILLIAM A. BUESS
27 Deputy Attorney General
Attorneys for Complainant

28 SD2012704287
70825991.docx

Exhibit A

Accusation No. 4456

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 WILLIAM A. BUSS
Deputy Attorney General
4 State Bar No. 134958
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2039
7 Facsimile: (619) 645-2061
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:

Case No. 4456

12 **NATAYA VENUS VONGSIKHAY**
13 **2101 W. Jefferson Street**
14 **Banning, CA 92220**

ACCUSATION

15 **Pharmacy Technician Registration**
16 **No. TCH 97480**

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about December 31, 2009, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 97480 to Nataya Venus Vongsikhay (Respondent) which will expire
24 on November 30, 2013 unless renewed.

25 **JURISDICTION**

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

1 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
2 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
3 disciplinary action during the period within which the license may be renewed, restored, reissued
4 or reinstated.

5 5. Section 480 of the Business and Professions Code provides, in pertinent part, that a
6 board may deny a license if the applicant has been convicted of a crime substantially related to
7 the qualifications, functions or duties of the business or profession for which application is made,
8 has committed any act involving dishonesty, fraud or deceit, has committed any act which if done
9 by a licensee would be grounds for suspension or revocation of a license, or has knowingly made
10 a false statement of fact required to be revealed in the application.

11 6. Section 482 of the Code states:

12 Each board under the provisions of this code shall develop criteria to
13 evaluate the rehabilitation of a person when: (a) Considering the denial of a license by
14 the board under Section 480; or (b) Considering suspension or revocation of a license
15 under Section 490. Each board shall take into account all competent evidence of
16 rehabilitation furnished by the applicant or licensee.

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. Section 493 of the Code states:

22 Notwithstanding any other provision of law, in a proceeding conducted
23 by a board within the department pursuant to law to deny an application for a license
24 or to suspend or revoke a license or otherwise take disciplinary action against a
25 person who holds a license, upon the ground that the applicant or the licensee has
26 been convicted of a crime substantially related to the qualifications, functions, and
27 duties of the licensee in question, the record of conviction of the crime shall be
28 conclusive evidence of the fact that the conviction occurred, but only of that fact, and
the board may inquire into the circumstances surrounding the commission of the
crime in order to fix the degree of discipline or to determine if the conviction is
substantially related to the qualifications, functions, and duties of the licensee in
question. As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'
and 'registration.'

 9. Section 4202 of the Code states in pertinent part: "(d) The board may suspend or
revoke a license issued pursuant to this section on any ground specified in Section 4301."

1 10. Section 4300 of the Code states: "(a) Every license issued may be suspended or
2 revoked."

3 STATUTORY PROVISIONS

4 11. Section 4301 of the Code states:

5 "The board shall take action against any holder of a license who is guilty of unprofessional
6 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

7 Unprofessional conduct shall include, but is not limited to, any of the following:

8 "...

9 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
10 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and

11 whether the act is a felony or misdemeanor or not...

12 "(i) The conviction of a crime substantially related to the qualifications, functions, and
13 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
14 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
15 substances or of a violation of the statutes of this state regulating controlled substances or
16 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
17 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
18 The board may inquire into the circumstances surrounding the commission of the crime, in order
19 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
20 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
21 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
22 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
23 of this provision. The board may take action when the time for appeal has elapsed, or the
24 judgment of conviction has been affirmed on appeal or when an order granting probation is made
25 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
26 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
27 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
28 indictment."

1 **REGULATORY PROVISIONS**

2 12. The California Code of Regulations, Title 16, section 1769 states in pertinent part:
3 "(b) When considering the suspension or revocation of a facility or a personal license on the
4 ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating
5 the rehabilitation of such person and his present eligibility for a license will consider the
6 following criteria: (1) Nature and severity of the act(s) or offense(s). (2) Total criminal record.
7 (3) The time that has elapsed since commission of the act(s) or offense(s). (4) Whether the
8 licensee has complied with all terms of parole, probation, restitution or any other sanctions
9 lawfully imposed against the licensee. (5) Evidence, if any, of rehabilitation submitted by the
10 licensee."

11 13. The California Code of Regulations, Title 16, section 1770 states: "For the purpose of
12 denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5
13 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
14 considered substantially related to the qualifications, functions or duties of a licensee or registrant
15 if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to
16 perform the functions authorized by his license or registration in a manner consistent with the
17 public health, safety, or welfare."

18 **COST RECOVERY**

19 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
23 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
24 included in a stipulated settlement.

25 **FIRST CAUSE FOR DISCIPLINE**

26 (July 19, 2012 Criminal Conviction for Petty Theft on March 22, 2012)

27 15. Respondent Nataya Venus Vongsikhay is subject to disciplinary action under sections
28 490 and 4301(f) and (l) in *People of the State of California v. Nataya Venus Vongsikhay*, Superior

1 Court of California, County of Los Angeles case number 2PS91638, in that Respondent pled
2 Nolo Contendere to violation of Penal Code section 484(a): Theft, and was convicted. The
3 circumstances are as follows:

4 16. On or about March 22, 2012, Arcadia Police Department Officer B. Jackson
5 contacted a Loss Prevention Manager at the Victoria's Secret store on Baldwin Avenue in
6 Arcadia. After receiving the report from store personnel, interviewing Respondent, and
7 completing the investigation the officer placed Respondent under arrest and booked Respondent
8 on various charges including PC 459 Commercial Burglary and PC 466 Possession of Burglary
9 Tools.

10 17. On July 19, 2012, Respondent entered a plea of Nolo Contendere to Count One,
11 violation of Penal Code section 484(a) Theft and was sentenced to serve twenty (20) days in
12 County Jail, suspended, Summary Probation for a period of three (3) consecutive years, payment
13 of fines and assessments, and other terms.

14 **DISCIPLINARY CONSIDERATIONS**

15 18. To determine the degree of discipline, if any, to be imposed on Respondent Nataya
16 Venus Vongsikhay, Complainant alleges that on or about March 12, 2012, in a prior action, the
17 Board of Pharmacy issued Citation Number CI 2011 49853 and ordered Respondent to pay a fine
18 of \$1,000.00. The basis for the citation was Respondent's arrest on September 28, 2011, by
19 Ontario Police Department personnel after contacting Loss Prevention Personnel at Hennes &
20 Mauritz store at the Ontario Mills Mall concerning allegations that Respondent and another
21 violated PC section 496(a) Receiving Stolen Property. That arrest resulted in Respondent's
22 conviction by pleas of Guilty as to violation of PC 459 Theft, a misdemeanor and violation of PC
23 484(a) Petty Theft, a misdemeanor in the case *People v. Nataya Venus Vongsikhay*, San
24 Bernardino County Superior Court case number MWV 1104237. For that conviction, judgment
25 was withheld and Respondent was sentenced to Conditional and Revocable Release for twenty
26 four (24) months along with other terms. That Citation is now final and is incorporated by
27 reference as if fully set forth.

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:

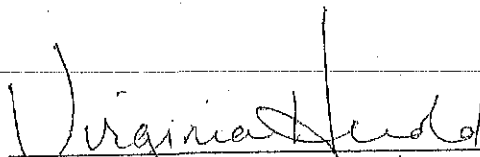
1. Revoking or suspending Pharmacy Technician Registration Number TCH 97480, issued to Nataya Venus Vongsikhay;

2. Ordering Nataya Venus Vongsikhay 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:

2/12/13



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

SD2012704287
70660278.doc