

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

In the Matter of the Accusation Against:

Case No. 4791

**JONATHAN NGUYEN
21011 Kausch Circle
Huntington Beach, CA 92646**

**Pharmacy Technician Registration No.
TCH 79791**

Respondent.

DECISION AND ORDER

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

This Decision shall become effective on June 24, 2015.

It is so ORDERED on June 17, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

AMARYLIS GUTIERREZ
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LFDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
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Attorneys for Complainant

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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:
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14 **Huntington Beach, CA 92646**
15 **Pharmacy Technician Registration No. TCH**
16 **79791**
17 Respondent.

Case No. 4791
OAH No. 2014050330
STIPULATED SURRENDER OF
LICENSE AND ORDER

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 Diane de Kervor, Deputy Attorney
24 General.

25 2. Jonathan Nguyen (Respondent) is representing himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel.

27 ///

28 ///

1 basis for the charges in the Accusation and that those charges constitute cause for discipline.
2 Respondent hereby gives up his right to contest that cause for discipline exists based on those
3 charges.

4 10. Respondent understands that by signing this stipulation he enables the Board to issue
5 an order accepting the surrender of his Pharmacy Technician Registration without further process.

6 RESERVATION

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

11 CONTINGENCY

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

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Surrender of License and Order, including Portable Document Format
23 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

24 14. This Stipulated Surrender of License and Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
28

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

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

5 **ORDER**

6 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 79791, issued
7 to Respondent Jonathan Nguyen, is surrendered and accepted by the Board of Pharmacy.

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

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

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

16 4. Respondent may not apply for any license, permit, or registration from the board for
17 three (3) years from the effective date of this decision. Respondent stipulates that should he apply
18 for any license from the board on or after the effective date of this decision, all allegations set
19 forth in the accusation shall be deemed to be true, correct and admitted by respondent when the
20 board determines whether to grant or deny the application.

21 Respondent shall satisfy all requirements applicable to that license as of the date the
22 application is submitted to the board, including, but not limited to certification by a nationally
23 recognized body prior to the issuance of a new license. Respondent is required to report this
24 surrender as disciplinary action.

25 5. Respondent shall pay the agency its costs of investigation and enforcement in the
26 amount of \$5,457.50 prior to issuance of a new or reinstated license.

27 6. If Respondent should ever apply or reapply for a new license or certification, or
28 petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation, No. 4791 shall be deemed
2 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
3 other proceeding seeking to deny or restrict licensure.

4 ACCEPTANCE

5 I have carefully read the Stipulated Surrender of License and Order. I understand the
6 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
7 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
8 be bound by the Decision and Order of the Board of Pharmacy.

9
10 DATED: 4/28/15


11 JONATHAN NGUYEN
Respondent

12 ENDORSEMENT

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

15 Dated:

16 4/29/15

17 Respectfully submitted,

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

19 

20 DIANE DE KERVOR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4791

1 KAMALA D. HARRIS
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Supervising Deputy Attorney General
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ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
79791

16 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 17, 2007, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 79791 to Jonathan Nguyen (Respondent). The Pharmacy Technician
24 Registration expired on June 30, 2013, and has not been 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 (Code) otherwise indicated.

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

3 5. Section 4300.1 of the Code states:

4 The expiration, cancellation, forfeiture, or suspension of a board-issued
5 license by operation of law or by order or decision of the board or a court of law, the
6 placement of a license on a retired status, or the voluntary surrender of a license by a
7 licensee shall not deprive the board of jurisdiction to commence or proceed with any
8 investigation of, or action or disciplinary proceeding against, the licensee or to render
9 a decision suspending or revoking the license.

10 6. Section 4301 of the Code states:

11 The board shall take action against any holder of a license who is guilty of
12 unprofessional conduct or whose license has been procured by fraud or
13 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
14 not limited to, any of the following:

15

16 (f) The commission of any act involving moral turpitude, dishonesty,
17 fraud, deceit, or corruption, whether the act is committed in the course of relations as
18 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

19

20 (j) The violation of any of the statutes of this state, or any other state, or
21 of the United States regulating controlled substances and dangerous drugs.

22

23 (o) Violating or attempting to violate, directly or indirectly, or assisting in
24 or abetting the violation of or conspiring to violate any provision or term of this
25 chapter or of the applicable federal and state laws and regulations governing
26 pharmacy, including regulations established by the board or by any other state or
27 federal regulatory agency.

28 7. Section 4022 of the Code states

 Dangerous drug" or "dangerous device" means any drug or device unsafe
for self-use in humans or animals, and includes the following:

 (a) Any drug that bears the legend: "Caution: federal law prohibits
dispensing without prescription," "Rx only," or words of similar import.

 (b) Any device that bears the statement: "Caution: federal law restricts
this device to sale by or on the order of a _____," "Rx only," or words of
similar import, the blank to be filled in with the designation of the practitioner
licensed to use or order use of the device.

1
2 (c) Any other drug or device that by federal or state law can be lawfully
dispensed only on prescription or furnished pursuant to Section 4006.

3 8. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
4 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
5 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

6 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
7 controlled substance, except that furnished to a person upon the prescription of a physician,
8 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

9 10. United States Code, title 21, section 843 states, in pertinent part:

10 (a) It shall be unlawful for any person knowingly or intentionally –

11

12 (3) to acquire or obtain possession of a controlled substance by
13 misrepresentation, fraud, forgery, deception, or subterfuge;

14

15 COSTS

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

22 DRUGS

23 12. Hydrocodone bitartate/acetaminophen, also known by the brand names Vicodin,
24 Norco, Zydone, Maxidone, Lortab, Lorcet, Hydrocet, Co-Gesic, and Anexsia, is a narcotic
25 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4),
26 and is a dangerous drug pursuant to Business and Professions Code section 4022. Hydrocodone is
27 used as a narcotic analgesic in the relief of pain.
28

1 subdivision (a)(3) when he obtained controlled substances using fraud and deceit, as described in
2 paragraph 14, above.

3 PRAYER

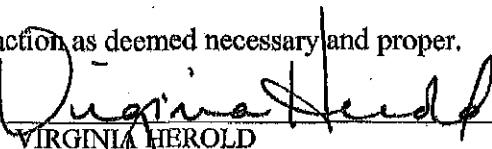
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 79791,
7 issued to Jonathan Nguyen;

8 2. Ordering Jonathan Nguyen to pay the Board of Pharmacy the reasonable costs of the
9 investigation and enforcement of this case, pursuant to Business and Professions Code section
10 125.3;

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

12 DATED: 2/19/14



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

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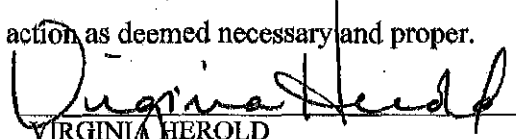
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