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

12 In the Matter of the Accusation Against:

Case No. 3768

13 **BOBBY LE AKA BOBBY HOANG**
14 **QUANG LE**
15 **3351 Stevens Avenue**
16 **Rosemead, CA 91770**
17 **Pharmacy Technician Registration No. TCH**
18 **48785**

A C C U S A T I O N

Respondent.

19 Complainant alleges:

PARTIES

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

22 2. On or about June 30, 2003, the Board issued Pharmacy Technician Registration
23 Number TCH 48785 to Bobby Le aka Bobby Hoang Quang Le ("Respondent"). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

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

5. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4301 states, in pertinent part:

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

....

(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 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.”

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

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1 **COST RECOVERY**

2 8. Section 125.3 states, in pertinent part, that the Board may request the administrative
3 law judge to direct a licentiate found to have committed a violation or violations of the licensing
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
5 case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct Involving Sale of Drug Paraphernalia)**

8 9. Respondent is subject to disciplinary action under sections 4301, subdivision (f) in
9 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent
10 engaged in acts of moral turpitude, dishonesty, fraud, deceit or corruption as follows:

11 a. On or around February 22, 2007, Respondent was investigated based on a
12 complaint that Respondent was selling glass pipes, consistent in appearance with
13 methamphetamine and crack cocaine pipes. An undercover officer from the Alhambra Police
14 Department entered Respondent's store and purchased one of hundreds of glass pipes situated on
15 the shelves and in other parts of the store. The officer also requested and was able to purchase
16 from Respondent, a single loose cigarette from a pack of Marlboro's stored under the cash
17 register. The officer also discovered 70 illegal/dangerous weapons for sale including cattle prod
18 tasers, throwing knives, butterfly knives, brass knuckles, etc. When confronted, the Respondent
19 admitted that selling loose cigarettes was against the law and admitted that his business license
20 permit only allowed him to sale tobacco and tobacco products.

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22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct Involving Sale of Dangerous Weapons)**

24 10. Respondent is subject to disciplinary action under sections 4301, subdivision (f) in
25 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent
26 engaged in acts of moral turpitude, dishonesty, fraud, deceit or corruption. Complainant refers to,
27 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraph
28 (a), inclusive, as though set forth fully herein.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct Involving Sale of Single Cigarettes)**

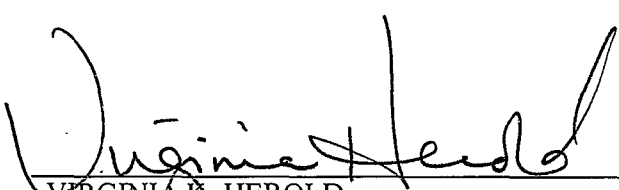
3 11. Respondent is subject to disciplinary action under sections 4301, subdivision (f) in
4 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent
5 engaged in acts of moral turpitude, dishonesty, fraud, deceit or corruption. Complainant refers to,
6 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraph
7 (a), inclusive, as though set forth fully herein.

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9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board issue a decision:

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 48785,
13 issued to Bobby Le aka Bobby Hoang Quang Le
14 2. Ordering Bobby Le to pay the Board the reasonable costs of the investigation and
15 enforcement of this case, pursuant to Business and Professions Code section 125.3;
16 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 8/13/10

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21 VIRGINIA K. HEROLD
22 Executive Officer
23 Board of Pharmacy
24 State of California
25 Complainant

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