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

12 In the Matter of the Petition to Revoke
13 Probation Against:

Case No. 3986

14 **CHU HUU VU**
15 **3883 Indian Way**
San Diego, CA 92117

PETITION TO REVOKE PROBATION

16 **Pharmacist License No. RPH 39728**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
22 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
23 Affairs.

24 2. On or about August 7, 1986, the Board of Pharmacy issued Pharmacist License
25 Number RPH 39728 to Chu Huu Vu (Respondent). The Pharmacist License was suspended on
26 August 27, 2009, and will expire on January 31, 2013, unless otherwise renewed.

27 3. In a prior disciplinary action entitled *In the Matter of the Petition for Reinstatement of*
28 *Certificate to Practice Pharmacy of Chu Huu Vu*, Board of Pharmacy Case No. 2236-B, Office of

1 Administrative Hearings (OAH) No. N2007040268, the Board of Pharmacy issued a decision,
2 effective June 6, 2007, in which Respondent's Pharmacist License was reinstated and then
3 immediately revoked. However, the revocation was stayed and Respondent's Pharmacist License
4 was placed on probation for a period of five years with certain terms and conditions. A copy of
5 that decision is attached as Exhibit A and is incorporated herein by reference.

6 4. In a prior disciplinary action entitled *In the Matter of Accusation Against Chu Huu*
7 *Vu*," Board of Pharmacy Case No. 2236-B, OAH No. L-2000050335, the Board of Pharmacy
8 issued a decision, effective March 6, 2001, in which Respondent's Pharmacist License was
9 revoked. A copy of that decision is attached as Exhibit B and is incorporated herein by reference.

10 JURISDICTION

11 5. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),
12 Department of Consumer Affairs, under the authority of the following laws. All section
13 references are to the Business and Professions Code (Code) unless otherwise indicated.

14 6. Section 4300, subdivision (a) of the Code states "Every license issued may be
15 suspended or revoked."

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

20 FIRST CAUSE TO REVOKE PROBATION

21 (Maintain Employment as a Pharmacist)

22 8. At all times after the effective date of Respondent's probation, Condition 12 stated:

23 Should petitioner, regardless of residency, for any reason cease practicing
24 pharmacy for a minimum of 80 hours per calendar month in California, petitioner
25 must notify the board in writing within 10 days of cessation of the practice of
26 pharmacy or the resumption of the practice of pharmacy. Such periods of time shall
27 not apply to the reduction of the probation period. It is a violation of probation for
28 petitioner's probation to remain tolled pursuant to the provisions of this condition for
a period exceeding three years. "Cessation of practice" means any period of time
exceeding 30 days in which petitioner is not engaged in the practice of pharmacy as
defined in Section 4052 of the business and Professions Code for at least 80 hours a
calendar month.

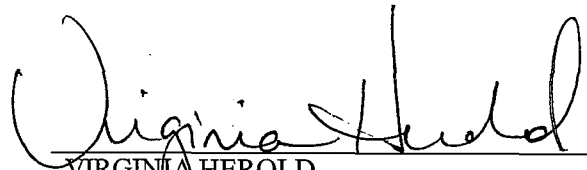
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PRAYER

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 the probation that was granted by the Board of Pharmacy in Case No. 2236-B, Office of Administrative Hearings No. N2007040268, and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 39728 issued to Chu Huu Vu;
2. Revoking or suspending Pharmacist License No. RPH 39728, issued to Chu Huu Vu;
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/2/11



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

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Exhibit A

Decision and Order

In the Matter of Accusation Against Chu Huu Vu

Board of Pharmacy Case No. 2236-B

Exhibit B

Decision and Order

In the Matter of the Petition for Reinstatement of Certificate to

Practice Pharmacy of Chu Huu Vu

Board of Pharmacy Case No. 2236-B