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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. 4265

13 **YOOMI SO**
14 **a.k.a., YOO MI SOOOOO**
15 **a.k.a., YOO ME SOOOOO**
16 **a.k.a., YOO SOOOOO**
17 **3 Mountain Shadows PlaceOOOO**
18 **Pomona, CA 91766OOOO**

A C C U S A T I O N

19 Pharmacy Technician Registration
20 No. TCH 86587

Respondent.

21 Complainant alleges:

PARTIES

22 1.OO Virginia Herold (Complainant) brings this Accusation solely in her official capacityOOOO
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2.OO On or about January 29, 2010, the Board of Pharmacy (Board) issued PharmacyOOOO
25 Technician Registration No. TCH 86587 to Yoomi So, a.k.a., Yoo Mi So, Yoo Me So, and Yoo
26 So (Respondent). The Pharmacy Technician Registration was in full force and effect at all times
27 relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

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JURISDICTION

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

STATUTORY PROVISIONS

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6 4. Code section 490 states, in pertinent part:

7 "(a) In addition to any other action that a board is permitted to take against a licensee, a
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a
9 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
10 or profession for which the license was issued.

11 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
12 discipline a licensee for conviction of a crime that is independent of the authority granted under
13 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
14 of the business or profession for which the licensee's license was issued.

15 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
16 conviction following a plea of nolo contendere. Any action that a board is permitted to take
17 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
18 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
19 made suspending the imposition of sentence, irrespective of a subsequent order under the
20 provisions of Section 1203.4 of the Penal Code."

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

23 6. Code section 4300.1 provides, in pertinent part, that the expiration, cancellation,
24 forfeiture, or suspension of a board-issued license by placement of a license on a retire status,
25 voluntary surrender of a license shall not deprive the Board of jurisdiction to proceed with a
26 disciplinary action during the period within which the license may be renewed, restored, reissued
27 or reinstated.

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1 7. Code section 4301 states, in pertinent part:

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

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

5

6 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
7 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
8 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
9 to the extent that the use impairs the ability of the person to conduct with safety to the public the
10 practice authorized by the license.

11

12 "(l) 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 thick speech. When asked if she had consumed any alcoholic beverages, Respondent admitted to
2 having two beers. Respondent was subsequently arrested for violating Vehicle Code section
3 23152, subdivision (a) [driving under the influence of alcohol or drugs] and Vehicle Code section
4 23152, subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in her
5 blood]. During the booking procedure resulted in a breath-alcohol content level of 0.15% on the
6 first reading and 0.16% on the second.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Dangerous Use of Alcohol)**

9 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
10 in that on or about October 16, 2010, Respondent used alcoholic beverage to an extent or in a
11 manner dangerous or injurious to herself, another person, or the public, when she operated a
12 vehicle while having more than 0.08% or more of alcohol in her blood. Complainant refers to,
13 and by this reference incorporates, the allegations set forth above in paragraph 10, as though set
14 forth fully.

15 **DISCIPLINARY CONSIDERATIONS**

16 12. To determine the degree of discipline, if any, to be imposed on Respondent,
17 Complainant alleges as follows:

18 a. On or about November 23, 2004, Respondent was convicted of one misdemeanor
19 count of violating Vehicle Code section 23152, subdivision (b) [driving while having 0.08% and
20 more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The People of the*
21 *State of California v. Yoo Mi So* (Super. Ct. Los Angeles County, 2004, No. 04NM11864). The
22 Court sentenced Respondent to serve one day in Los Angeles County Jail and place her on 3 years
23 probation, with terms and conditions. The circumstances surrounding the conviction are that on
24 or about July 25, 2004, Respondent drove a vehicle while under the influence of alcohol.

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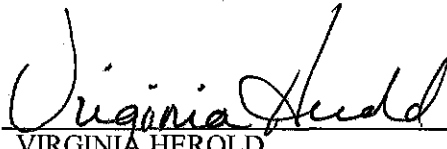
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 86587, issued to Respondent Yoomi So, a.k.a., Yoo Mi So, Yoo Me So, and Yoo So;
2. Ordering Respondent Yoomi So to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

9/6/13



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