

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
State Bar No. 91740
3 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
4 Telephone: (415) 703-5556
Facsimile: (415) 703-5480
5 *Attorneys for Complainant*

6 **BEFORE THE**
BOARD OF PHARMACY
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 4767

10 **PHUC TIEN TRUONG**
a.k.a. **TOM TRUONG**
11 a.k.a. **TOMMY TRUONG**
12 **1939 Ensign Way**
San Jose, CA 95133

A C C U S A T I O N

13 **Pharmacy Technician Registration No.**
14 **TCH 119828**

Respondent.

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16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 16, 2012, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 119828 to Phuc Tien Truong, a.k.a. Tom Truong, a.k.a. Tommy
23 Truong (Respondent). The Pharmacy Technician Registration was in full force and effect at all
24 times relevant to the charges brought herein and will expire on October 31, 2015, 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 4300 of the Business and Professions Code states:

2 "(a) Every license issued may be suspended or revoked.

3 "(b) The board shall discipline the holder of any license issued by the board, whose default
4 has been entered or whose case has been heard by the board and found guilty, by any of the
5 following methods:

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board in its
11 discretion may deem proper.

12 . . .

13 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
14 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
15 shall have all the powers granted therein. The action shall be final, except that the propriety of
16 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
17 Civil Procedure."

18 5. Section 4301 of the Business and Professions Code states:

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

22 "(a) Gross immorality.

23 . . .

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

27 . . .

28

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

18 . . .
19 6. Section 4300.1 of the Business and Professions Code states:

20 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
21 operation of law or by order or decision of the board or a court of law, the placement of a license
22 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
23 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
24 proceeding against, the licensee or to render a decision suspending or revoking the license."

25 7. Section 125.3 of the Business and Professions Code states, in pertinent part, that the
26 Board may request the administrative law judge to direct a licentiate found to have committed a
27 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
28 investigation and enforcement of the case.

1 are as follows that on or about April 4, 2013, respondent pled nolo contendere to violating Penal
2 Code section 311.11(a) possession or control of child pornography, a felony.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct - Gross Immorality)

5 11. Respondent is subject to disciplinary action for unprofessional conduct under
6 Business and Professions Code section 4301(a) in that he committed an act of gross immorality as
7 set forth above in paragraph 9.

8 THIRD CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct - Acts Involving Moral Turpitude)

10 12. Respondent is subject to disciplinary action for unprofessional conduct under
11 Business and Professions Code section 4301(f) in that he committed an act involving moral
12 turpitude as set forth above in paragraph 9.

13
14 PRAYER

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

17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 119828,
18 issued to Phuc Tien Truong, a.k.a. Tom Truong, a.k.a. Tommy Truong.

19 2. Ordering Phuc Tien Truong, Phuc Tien Truong, a.k.a. Tom Truong, a.k.a. Tommy
20 Truong to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement
21 of this case, pursuant to Business and Professions Code section 125.3;

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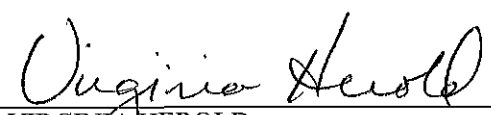
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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/10/14



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

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