

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 WILLIAM A. BUESS  
Deputy Attorney General  
4 State Bar No. 134958  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2039  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4812

12 **JOANNE HYOEUN LIM**  
13 **1450 Nicolas Way**  
14 **Fullerton, CA 92833**

**A C C U S A T I O N**

15 **Intern Pharmacist No. INT 28768**

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 October 21, 2011, the Board of Pharmacy issued Intern Pharmacist  
23 Number INT 28768 to Joanne Hyeoun Lim (Respondent). The Intern Pharmacist was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on May 31,  
25 2016, unless renewed.

26 ///

27 ///

28 ///

1 JURISDICTION

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

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

9 5. Section 4300.1 of the Code states:

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

15 STATUTORY PROVISIONS

16 6. Section 4301 of the Code states:

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

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

23 "...(p) Actions or conduct that would have warranted denial of a license."

24 REGULATORY PROVISIONS

25 7. California Code of Regulations, Title 16, section 1770, states:

26 "For the purpose of denial, suspension, or revocation of a personal or facility license  
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
2 licensee or registrant to perform the functions authorized by his license or registration in a manner  
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct: Petty Theft)

11 9. Respondent is subject to disciplinary action for unprofessional conduct under section  
12 4301(f) and (p), and California Code of Regulations Title 16, section 1770 in that Respondent  
13 was charged with violation of Penal Code section 484(a)-488, Petty Theft, a misdemeanor. The  
14 circumstances are as follows:

15 10. On or about July 5, 2011, Respondent entered the Sephora department store in  
16 Downtown Disneyland. Store personnel observed Respondent conceal items on her person and  
17 exit the store without paying for the concealed items. The store's manager confronted  
18 Respondent outside of the store. Respondent claimed to have forgotten to pay for the items. The  
19 store manager escorted Respondent to the police station where upon an inventory was conducted  
20 revealing Sephora merchandise in Respondent's possession valued at or about \$535.50.  
21 Respondent was then arrested. Respondent admitted to taking the merchandise without paying  
22 for the merchandise and with the intent to give the merchandise to friends.

23 11. Respondent was cited by Anaheim Police Department personnel for violations of  
24 Penal Code ("PC") 484(a)-488 Petty Theft and subsequently charged with violation of PC 484(a)-  
25 488 Petty Theft in Orange County Superior Court criminal case *People v. Joanne Hyoeun Lim*,  
26 case number 11NM14634. The criminal case was dismissed on April 23, 2012, pursuant to PC  
27 section 1378; Acknowledgement by the Victim of Satisfaction.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct: Commercial Burglary, Second Degree, Petty Theft, and Possession of  
3 Burglary Tools)

4 12. Respondent is subject to disciplinary action for unprofessional conduct under section  
5 4301(f) and (p), and California Code of Regulations Title 16, section 1770 in that Respondent  
6 was charged with violation of PC 459-460(b) Burglary, Second Degree, a misdemeanor; violation  
7 of PC section 484(a)-488 Petty Theft, a misdemeanor; and violation of PC 466 Possession of  
8 Burglary Tools, a misdemeanor. The circumstances are as follows:

9 13. On or about June 25, 2012, Respondent entered a Bloomingdales retail store in  
10 Newport Beach and was observed by loss prevention personnel taking items into a dressing room  
11 and left the dressing room with fewer items than she had when she entered. Respondent left the  
12 store and attempted to run away, but was apprehended and detained by loss prevention personnel.  
13 While interviewed, loss prevention personnel recovered merchandise from Respondent valued at  
14 \$649.00, that Respondent did not pay for, and a sensor remover. Respondent admitted to using  
15 the sensor remover on the items. Respondent also admitted to having previously taken other  
16 items. Respondent also had merchandise in her car, but claimed that friends took those items.

17 14. Respondent was arrested by Newport Beach Police Department personnel and  
18 subsequently charged in Orange County Superior Court criminal case *People v. Joanne Hyeoun*  
19 *Lim*, case number 12HM09348, with violation of PC 459-46(b) Burglary, Second Degree,  
20 Commercial Structure; violation of PC 484(a)-488 Petty Theft; and violation of PC 466  
21 Possession of Burglary Tools. That case is currently pending.

22 **THIRD CAUSE FOR DISCIPLINE**

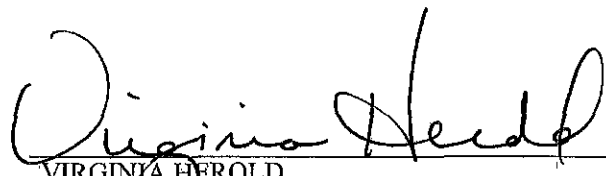
23 (Unprofessional Conduct: Burglary, Second Degree and Possession of Burglary Tools)

24 15. Respondent is subject to disciplinary action for unprofessional conduct under section  
25 4301(f) and (p), and California Code of Regulations Title 16, section 1770 in that Respondent  
26 was charged with violation of PC 459-460 Second Degree Commercial Burglary, a misdemeanor;  
27 and, violation of PC 466 Possession of Burglary Tools, a misdemeanor. The circumstances are as  
28 follows:



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: 6/14/14



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

SD2013705537  
70760650.docx