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

11 In the Matter of the Accusation Against:  
12 **SANTI KANTHAWEE**  
5959 South St., #8  
13 Lakewood, CA 90713  
14 Pharmacy Technician Registration  
15 No. TCH 103345  
16 Respondent.

Case No. 5023  
**A C C U S A T I O N**

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 June 17, 2010, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician Registration No. TCH 103345 to Santi Kanthawee (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on June 30, 2014, unless renewed.

25 **JURISDICTION**

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

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

4           5.     Section 490 states, in pertinent part:

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

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

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

19           6.     Section 4300 states, in pertinent part, that every license issued by the Board is subject  
20 to discipline, including suspension or revocation.

21           7.     Section 4300.1 states:

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

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

9 . . . .

10 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
11 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
12 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
13 substances or of a violation of the statutes of this state regulating controlled substances or  
14 dangerous drugs shall be conclusive evidence of unprofessional conduct. . . A plea or verdict of  
15 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
16 meaning of this provision."

17 **REGULATORY PROVISIONS**

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

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

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1 **COST RECOVERY**

2 10. 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 **(Conviction of a Substantially Related Crime)**

8 11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
9 490, in conjunction with California Code of Regulations, title 16, section 1770, in that he was  
10 convicted of a crime substantially related to the qualifications, functions or duties of a pharmacy  
11 technician. On or about September 25, 2013, after pleading guilty, Respondent was convicted of  
12 one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand theft of  
13 personal property of a value over \$950.00] in the criminal proceeding entitled *The People of the*  
14 *State of California v. Santi Kanthawee* (Super. Ct. L.A. County, 2013, No. 3BF02114). The  
15 Court placed Respondent on 36 months probation, with terms and conditions. The circumstances  
16 surrounding the conviction are that at the time of the conduct for which he was convicted,  
17 Respondent had been employed as a pharmacy technician at CVS Caremark, Store No. 9488  
18 (CVS), in Artesia for approximately 2 years and 4 months. On April 11, 2013, CVS security  
19 personnel reviewed viper reports and closed circuit television footage of April 10, 2013. The  
20 video review showed Respondent processing refunds with no customers present and concealing  
21 cash. When confronted by CVS personnel, Respondent admitted to cash theft by conducting  
22 fraudulent refunds, taking drinks, and a Motrin. Respondent admitted to conducting  
23 approximately 26 fraudulent refunds and stealing cash beginning in mid to late December of  
24 2012. The total amount of loss caused was \$3,250.00.

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**SECOND CAUSE FOR DISCIPLINE**

**(Acts Involving Dishonesty, Fraud or Deceit)**

12. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that Respondent committed acts involving dishonesty, fraud or deceit. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

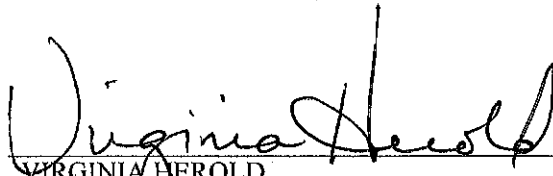
**PRAYER**

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 or suspending Pharmacy Technician Registration Number TCH 103345, issued to Santi Kanthawee;
- 2. Ordering Santi Kanthawee to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

5/8/14



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

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