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

11 In the Matter of the Statement of Issues  
Against:  
12 **DUY QUANG LAM**  
13 **9935 Firestone Drive**  
14 **Sacramento, CA 95829**  
15 **Applicant for Pharmacy Technician License**  
16 Respondent.

Case No. 4127

**STATEMENT OF ISSUES**

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about October 5, 2009, the Board of Pharmacy, Department of Consumer  
23 Affairs received an application for a/an Pharmacy Technician License from Duy Quang Lam  
24 (Respondent). On or about September 25, 2009, Duy Quang Lam certified under penalty of  
25 perjury to the truthfulness of all statements, answers, and representations in the application. The  
26 Board denied the application on April 28, 2011.

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1 **JURISDICTION**

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

5 4. Section 480 of the Code states:

6 (a) A board may deny a license regulated by this code on the grounds that the applicant has  
7 one of the following:

8 (1) Been convicted of a crime. A conviction within the meaning of this section means a plea  
9 or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is  
10 permitted to take following the establishment of a conviction may be taken when the time for  
11 appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
12 granting probation is made suspending the imposition of sentence, irrespective of a subsequent  
13 order under the provisions of Section 1203.4 of the Penal Code.

14 (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
15 benefit himself or herself or another, or substantially injure another.

16 (3) (A) Done any act that if done by a licentiate of the business or profession in question,  
17 would be grounds for suspension or revocation of license.

18 (B) The board may deny a license pursuant to this subdivision only if the crime or act is  
19 substantially related to the qualifications, functions, or duties of the business or profession for  
20 which application is made.

21 (b) Notwithstanding any other provision of this code, no person shall be denied a license  
22 solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
23 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
24 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
25 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
26 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
27 Section 482.

1 (c) A board may deny a license regulated by this code on the ground that the applicant  
2 knowingly made a false statement of fact required to be revealed in the application for the license.

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 **(Criminal Convictions)**

5 5. Respondent's application is subject to denial under section 480(a)(1), in that he was  
6 convicted of the following crimes that are substantially related to the qualifications, functions or  
7 duties of the profession for which he is applying:

8 a. On or about June 28, 2010, in a criminal proceeding entitled *People v. Duy Quang*  
9 *Lam* in Placer County Superior Court, Case Number 72-5838, Respondent was convicted by plea  
10 of nolo contendere of violating Penal Code section 487(a) (grand theft), a felony. The  
11 circumstances surrounding the case are that Respondent was arrested for stealing three  
12 snowboards from Northstar Ski Resort. During the investigation, Respondent admitted to police  
13 officers that he stole the snowboards and tried to sell them on Craigslist.com to make money.

14 b. On or about March 1, 2010, in a criminal proceeding entitled *People v. Duy Quang*  
15 *Lam* in Orange County Superior Court, Case Number 09NF3730, Respondent was convicted by  
16 pleas of guilty of one count of violating Penal Code section 664(a)/459/460(a) (attempted  
17 residential burglary) and one count of violating Penal Code section 496(a) (receiving stolen  
18 property), both felonies. The circumstances are that Respondent was arrested after he was  
19 observed attempting to enter a residence, and a subsequent search of Respondent's vehicle  
20 revealed stolen credit cards belonging to two separate individuals. During the investigation,  
21 Respondent admitted to police officers that he was attempting to enter the residence to steal items  
22 from inside, and he also admitted that he had stolen the two credit cards found in his car and had  
23 attempted to use them illegally.

24 **SECOND CAUSE FOR DENIAL OF APPLICATION**

25 **(Act Involving Dishonesty, Fraud or Deceit)**

26 6. Respondent's application is subject to denial under Code section 480(a)(2), in that  
27 Respondent committed acts involving dishonesty, fraud or deceit with the intent to substantially  
28 benefit himself as set forth in paragraphs 5, above.

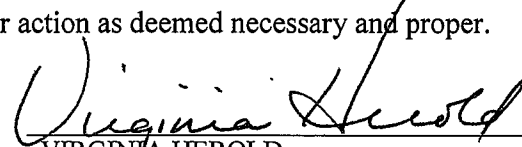
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PRAYER

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. Denying the application of Duy Quang Lam for a Pharmacy Technician License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 11/1/11



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

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