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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 Statement of Issues  
Against:

Case No. 5444

12 **HIEU TRONG NGUYEN**

**STATEMENT OF ISSUES**

13 **Pharmacy Technician Registration**  
14 **Applicant**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

21 2. On or about June 2, 2014, the Board of Pharmacy, Department of Consumer Affairs  
22 received an application for a Pharmacy Technician Registration from Hieu Trong Nguyen  
23 (Respondent). On or about May 19, 2014, Hieu Trong Nguyen certified under penalty of perjury  
24 to the truthfulness of all statements, answers, and representations in the application. The Board  
25 denied the application on March 13, 2015.

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1 knowingly made a false statement of fact required to be revealed in the application for the license."

2 6. California Code of Regulations, title 16, section 1770, states:

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

9 7. Section 493 of the Code states:

10 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
11 the department pursuant to law to deny an application for a license or to suspend or revoke a  
12 license or otherwise take disciplinary action against a person who holds a license, upon the ground  
13 that the applicant or the licensee has been convicted of a crime substantially related to the  
14 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
15 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
16 and the board may inquire into the circumstances surrounding the commission of the crime in order  
17 to fix the degree of discipline or to determine if the conviction is substantially related to the  
18 qualifications, functions, and duties of the licensee in question.

19 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

20 FACTUAL BACKGROUND

21 8. On or about March 18, 2011, in a criminal proceeding entitled *People of the State of*  
22 *California vs. Hieu Trong Nguyen*, in Alameda County Superior Court, Case No. 232461-8,  
23 Respondent was convicted by plea of nolo contendere of attempted extortion, a misdemeanor.  
24 (Penal Code, § 524.) Specifically, Respondent attempted to extort money from a victim by  
25 threatening to sell a video recording of the victim and him having intercourse. The court ordered  
26 three years conditional sentencing, one day in county jail, and to pay fines, fees and restitution.

27 9. On or about May 19, 2014, Respondent submitted a Pharmacy Technician Application  
28 to the Board. In his application, Respondent specifically denied ever being convicted of any crime

1 in any state. Respondent certified under penalty of perjury to the truthfulness of all statements,  
2 answers, and representations in his application.

3 FIRST CAUSE FOR DENIAL OF APPLICATION

4 (Substantially Related Conviction)  
(Bus. & Prof. Code, § 480, subd. (a)(1).)

5 10. Respondent has subjected his application for a Pharmacy Technician Registration to  
6 denial in that he was convicted by plea of nolo contendere of a crime substantially related to the  
7 qualifications, functions, and duties of a Pharmacy Technician. (Bus. & Prof. Code, § 480, subd.  
8 (a)(1).) The circumstances are set forth in paragraph 8, above.

9 SECOND CAUSE FOR DENIAL OF APPLICATION

10 (Committed Acts of Dishonesty, Fraud, or Deceit)  
(Bus. & Prof. Code, § 480, subd. (a)(2).)

11 11. Respondent has subjected his application for a Pharmacy Technician Registration to  
12 denial in that he made a false statement in his application by denying that he had ever been  
13 convicted of any crime in any state. (Bus. & Prof. Code, § 480, subd. (a)(2).) The circumstances  
14 are set forth in paragraphs 8 and 9, above.

15 THIRD CAUSE FOR DENIAL OF APPLICATION

16 (Committed Acts which if Done by Licensee Would be Cause for Discipline)  
(Bus. & Prof. Code, § 480, subd. (a)(3).)

17 12. Respondent has subjected his application for a Pharmacy Technician Registration to  
18 denial in that he committed acts, which if done by a Pharmacy Technician, would constitute  
19 grounds for discipline. (Bus. & Prof. Code, § 480, subd. (a)(3).) The circumstances are set forth  
20 in paragraphs 8 and 9, above.

21 FOURTH CAUSE FOR DENIAL OF APPLICATION

22 (Made False Statement of Fact that is Required to be Revealed in Application)  
(Bus. & Prof. Code, § 480, subd. (d).)

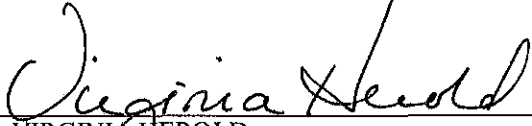
23 13. Respondent has subjected his application for a Pharmacy Technician Registration to  
24 denial in that he made a false statement of fact in his application by denying that he had ever been  
25 convicted of any crime in any state. (Bus. & Prof. Code, § 480, subd. (a)(2).) The circumstances  
26 are set forth in paragraphs 8 and 9, 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 Hieu Trong Nguyen for a Pharmacy Technician Registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: 9/5/15 

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

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