

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 3768

**BOBBY HOANG QUANG LE**

1569 Park Vista Way  
West Covina, CA 91791

Pharmacy Technician License No. TCH 48785  
Respondent.

**DECISION AND ORDER**

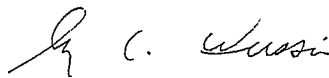
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on March 28, 2011.

It is so ORDERED on February 25, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
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Supervising Deputy Attorney General  
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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3768

11 **BOBBY LE AKA BOBBY HOANG**  
12 **QUANG LE**  
13 **1569 Park Vista Way**  
**West Covina, CA 91791**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 **3351 Stevens Avenue**  
15 **Rosemead, CA 91770**

16 **Pharmacy Technician Registration No. TCH**  
17 **48785**

18 Respondent.

19  
20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23  
24 PARTIES

25 1. Virginia K. Herold ("Complainant") is the Executive Officer of the California State  
26 Board of Pharmacy ("Board"). Complainant brought this action solely in her official capacity and  
27 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
28 by Langston M. Edwards, Deputy Attorney General.



1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 3768.

4 9. Respondent agrees that his Pharmacy Technician Registration is subject to discipline  
5 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
6 below.

7 CONTINGENCY

8 The parties understand and agree that facsimile copies of this Stipulated Settlement and  
9 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as  
10 the originals.

11 10. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
14 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
16 writing executed by an authorized representative of each of the parties.

17 11. In consideration of the foregoing admissions and stipulations, the parties agree that  
18 the Board may, without further notice or formal proceeding, issue and enter the following  
19 Disciplinary Order:

20  
21 DISCIPLINARY ORDER

22 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 48785 to  
23 Bobby Hoang Quang Le ("Respondent") is revoked. However, the revocation is stayed and  
24 Respondent is placed on probation for two (2) years on the following terms and conditions.

25 **Severability Clause.** Each condition of probation contained herein is a separate and  
26 distinct condition. If any condition of this Order, or any application thereof, is declared  
27 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
28

1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
2 and enforceable to the fullest extent permitted by law.

3 **1. Certification Prior to Resuming Work**

4 Respondent shall be automatically suspended from working as a pharmacy technician until  
5 he or she is certified as defined by Business and Professions Code section 4202(a)(4) and  
6 provides satisfactory proof of certification to the Board. Respondent shall not resume working as  
7 a pharmacy technician until notified by the Board. Failure to achieve certification within one (1)  
8 year shall be considered a violation of probation. Respondent shall not resume working as a  
9 pharmacy technician until notified by the Board.

10 During suspension, Respondent shall not enter any pharmacy area or any portion of any  
11 other Board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
12 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
13 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
14 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent  
15 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or  
16 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
17 substances. Respondent shall not resume work until notified by the Board.

18 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
19 any licensed premises by the Board in which he or she holds an interest at the time this decision  
20 becomes effective unless otherwise specified in this order. Failure to comply with this suspension  
21 shall be considered a violation of probation.

22 **2. Obey All Laws**

23 Respondent shall obey all state and federal laws and regulations. Respondent shall report  
24 any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such  
25 occurrence:

- 26     ▪ an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy  
27     Law, state and federal food and drug laws, or state and federal controlled substances laws
- 27     ▪ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
28     criminal complaint, information or indictment
- 28     ▪ a conviction of any crime

- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's license(s) or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

### 3. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

### 4. Interview with the Board

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

### 5. Cooperate with Board Staff

Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his or her probation. Failure to cooperate shall be considered a violation of probation.

### 6. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of this Decision and the terms, conditions and restrictions imposed on Respondent by the decision, as follows:

1           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
2 Respondent undertaking any new employment, Respondent shall cause his or her direct  
3 supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during  
4 Respondent's tenure of employment) and owner to report to the Board in writing acknowledging  
5 that the listed individual(s) has/have read this Decision and the terms and conditions imposed  
6 thereby. It shall be Respondent's responsibility to ensure that his or her employer(s) and/or  
7 supervisor(s) submit timely acknowledgement(s) to the Board.

8           If Respondent works for or is employed by or through a pharmacy employment service,  
9 Respondent must notify his or her direct supervisor, pharmacist-in-charge and owner at every  
10 pharmacy of the terms and conditions of this Decision in advance of the Respondent commencing  
11 work at each pharmacy. A record of this notification must be provided to the Board upon request.

12           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
13 (15) days of Respondent undertaking any new employment by or through a pharmacy  
14 employment service, Respondent shall cause his or her direct supervisor with the pharmacy  
15 employment service to report to the Board in writing acknowledging that he or she has read this  
16 Decision and the terms and conditions imposed thereby. It shall be Respondent's responsibility to  
17 ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the  
18 Board.

19           Failure to timely notify present or prospective employer(s) or to cause that/those  
20 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of  
21 probation.

22           "Employment" within the meaning of this provision shall include any full-time, part-time,  
23 temporary or relief service or pharmacy management service as a pharmacy technician or in  
24 any position for which a pharmacy technician license is a requirement or criterion for  
25 employment, whether the Respondent is considered an employee, independent contractor or  
26 volunteer.

#### 26           7.       **Reimbursement of Board Costs**

27           As a condition precedent to successful completion of probation, Respondent shall pay to the  
28 Board its costs of investigation and prosecution pursuant to Business and Professions Code

1 section 125.3 in an amount of \$2,487.00. Respondent shall make said payments in a payment  
2 plan approved by the Board. There shall be no deviation from this schedule absent prior written  
3 approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be  
4 considered a violation of probation.

5 The filing of bankruptcy by Respondent shall not relieve Respondent of his or her  
6 responsibility to reimburse the Board its costs of investigation and prosecution.

7 **8. Probation Monitoring Costs**

8 Respondent shall pay any costs associated with probation monitoring as determined by the  
9 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
10 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
11 shall be considered a violation of probation.

12 **9. Status of License**

13 Respondent shall, at all times while on probation, maintain an active, current pharmacy technician  
14 license with the Board, including any period during which suspension or probation is tolled.  
15 Failure to maintain an active, current license shall be considered a violation of probation.

16 If Respondent's pharmacy technician license expires or is cancelled by operation of law or  
17 otherwise at any time during the period of probation, including any extensions thereof due to  
18 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all  
19 terms and conditions of this probation not previously satisfied.

20 **10. License Surrender While on Probation/Suspension**

21 Following the effective date of this decision, should Respondent cease work due to retirement  
22 or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent  
23 may tender his or her pharmacy technician license to the Board for surrender. The Board or its  
24 designee shall have the discretion whether to grant the request for surrender or take any other  
25 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
26 license, Respondent will no longer be subject to the terms and conditions of probation. This  
27 surrender constitutes a record of discipline and shall become a part of the Respondent's license  
28 history with the Board.



1 Upon acceptance of the surrender, Respondent shall relinquish his or her pharmacy technician  
2 license to the Board within ten (10) days of notification by the Board that the surrender is  
3 accepted. Respondent may not reapply for any license, permit, or registration from the Board for  
4 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
5 applicable to the license sought as of the date the application for that license is submitted to the  
6 Board.

7 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
8 **Employment**

9 Respondent shall notify the Board in writing within ten (10) days of any change of  
10 employment. Said notification shall include the reasons for leaving, the address of the new  
11 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
12 shall further notify the Board in writing within ten (10) days of a change in name, residence  
13 address and mailing address, or phone number.

14 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or  
15 phone number(s) shall be considered a violation of probation.

16 **12. Tolling of Probation**

17 Except during periods of suspension, Respondent shall, at all times while on probation, be  
18 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.  
19 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
20 period of probation shall be extended by one month for each month during which this minimum is  
21 not met. During any such period of tolling of probation, Respondent must nonetheless comply  
22 with all terms and conditions of probation.

23 Should Respondent, regardless of residency, for any reason (including vacation) cease  
24 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
25 Respondent must notify the Board in writing within ten (10) days of cessation of work and must  
26 further notify the Board in writing within ten (10) days of the resumption of the work. Any  
27 failure to provide such notification(s) shall be considered a violation of probation.

1 It is a violation of probation for Respondent's probation to remain tolled pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months.

4 "Cessation of work" means calendar month during which Respondent is not working for at  
5 least 40 hours as a pharmacy technician, as defined in Business and Professions Code  
6 section 4115. "Resumption of work" means any calendar month during which  
7 Respondent is working as a pharmacy technician for at least 40 hours as a pharmacy  
8 technician as defined by Business and Professions Code section 4115.

9 **13. Violation of Probation**

10 If a Respondent has not complied with any term or condition of probation, the Board shall  
11 have continuing jurisdiction over Respondent, and probation shall automatically be extended,  
12 until all terms and conditions have been satisfied or the Board has taken other action as deemed  
13 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
14 to impose the penalty that was stayed.

15 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
17 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
18 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
19 a petition to revoke probation or an accusation is filed against Respondent during probation, the  
20 Board shall have continuing jurisdiction, and the period of probation shall be automatically  
21 extended until the petition to revoke probation or accusation is heard and decided.

22 **14. Completion of Probation**

23 Upon written notice by the Board indicating successful completion of probation,  
24 Respondent's pharmacy technician license will be fully restored.

25 **15. No Ownership of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
28 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)  
2 days following the effective date of this decision and shall immediately thereafter provide written  
3 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide  
4 documentation thereof shall be considered a violation of probation.

5 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
6 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
7 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns  
8 or has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,  
9 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
10 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold  
11 that interest, but only to the extent of that position or interest as of the effective of this decision.  
12 Violation of this restriction shall be considered a violation of probation.

13 **16. Community Services Program**

14 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
15 Board or its designee, for prior approval, a community service program in which Respondent  
16 shall provide free health-care related services to a community or charitable facility or agency for  
17 at least 125 hours to be completed prior to the completion of Respondent's two (2) years of  
18 probation.

19 Within thirty (30) days of board approval thereof, Respondent shall submit documentation  
20 to the board demonstrating commencement of the community service program. Respondent shall  
21 report on progress with the community service program in the quarterly reports. Failure to timely  
22 submit, commence, or comply with the program shall be considered a violation of probation.

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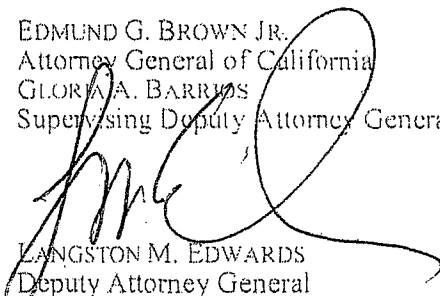
ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 12/1/10 Bobby Le  
BOBBY LE AKA BOBBY HOANG QUANG LE  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board

Dated: 12/16/10 Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
  
LANGSTON M. EDWARDS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3768**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LANGSTON M. EDWARDS  
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**STATE OF CALIFORNIA**

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11 **BOBBY LE AKA BOBBY HOANG**  
12 **QUANG LE**  
13 **3351 Stevens Avenue**  
14 **Rosemead, CA 91770**  
**Pharmacy Technician Registration No. TCH**  
**48785**  
15 Respondent.

Case No. 3768

**ACCUSATION**

16  
17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy ("Board").  
22 2. On or about June 30, 2003, the Board issued Pharmacy Technician Registration  
23 Number TCH 48785 to Bobby Le aka Bobby Hoang Quang Le ("Respondent"). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on December 31, 2010, unless renewed.

26 //  
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JURISDICTION

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

STATUTORY PROVISIONS

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

5. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4301 states, in pertinent part:

“The board shall take action against any holder of a license who is guilty of unprofessional conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

REGULATORY PROVISIONS

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

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

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1 COST RECOVERY

2 8. 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 (Unprofessional Conduct Involving Sale of Drug Paraphernalia)

8 9. Respondent is subject to disciplinary action under sections 4301, subdivision (f) in  
9 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
10 engaged in acts of moral turpitude, dishonesty, fraud, deceit or corruption as follows:

11 a. On or around February 22, 2007, Respondent was investigated based on a  
12 complaint that Respondent was selling glass pipes, consistent in appearance with  
13 methamphetamine and crack cocaine pipes. An undercover officer from the Alhambra Police  
14 Department entered Respondent's store and purchased one of hundreds of glass pipes situated on  
15 the shelves and in other parts of the store. The officer also requested and was able to purchase  
16 from Respondent, a single loose cigarette from a pack of Marlboro's stored under the cash  
17 register. The officer also discovered 70 illegal/dangerous weapons for sale including cattle prod  
18 tasers, throwing knives, butterfly knives, brass knuckles, etc. When confronted, the Respondent  
19 admitted that selling loose cigarettes was against the law and admitted that his business license  
20 permit only allowed him to sale tobacco and tobacco products.

21  
22 SECOND CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct Involving Sale of Dangerous Weapons)

24 10. Respondent is subject to disciplinary action under sections 4301, subdivision (f) in  
25 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
26 engaged in acts of moral turpitude, dishonesty, fraud, deceit or corruption. Complainant refers to,  
27 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraph  
28 (a), inclusive, as though set forth fully herein.



