

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

**In the Matter of the Accusation Against:**

**YUNA KIM,**

**Intern Pharmacist License No. INT 37174;**

**Respondent**

**Agency Case No. 6768**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on March 4, 2020.

It is so ORDERED on February 3, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
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*Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:  
14 **YUNA KIM**  
15 **Intern Pharmacist License No. INT 37174**  
16 Respondent.

Case No. 6768

OAH No. 2019100945

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Xavier Becerra, Attorney General of the State of California, by Nicole R. Trama, Deputy  
24 Attorney General.

25 2. Yuna Kim (Respondent) is represented in this proceeding by attorney Herbert L.  
26 Weinberg, whose address is: 1990 S. Bundy Drive, Suite 777, Los Angeles, CA 90025.

27 3. On or about October 29, 2015 the Board of Pharmacy issued Intern Pharmacist  
28 License No. INT 37174 to Respondent. The Intern Pharmacist License was current and active at

1 all times relevant to the matters described in Second Amended Accusation No. 6768 and will  
2 expire on May 31, 2020.

3 **JURISDICTION**

4 4. The Accusation and all other statutorily required documents were properly served on  
5 Respondent on July 19, 2019. Second Amended Accusation No. 6768 was subsequently filed  
6 before the Board, and is currently pending against Respondent. Respondent timely filed her  
7 Notice of Defense contesting the Accusation. A copy of Second Amended Accusation No. 6768  
8 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Second Amended Accusation No. 6768. Respondent also has carefully  
12 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of  
13 License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Second Amended Accusation; the right to confront  
16 and cross-examine the witnesses against her; the right to present evidence and to testify on her  
17 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
18 production of documents; the right to reconsideration and court review of an adverse decision;  
19 and all other rights accorded by the California Administrative Procedure Act and other applicable  
20 laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent understands that the charges and allegations in Second Amended  
25 Accusation No. 6768, if proven at a hearing, constitute cause for imposing discipline upon her  
26 intern pharmacist license.

27 ///

28 ///

9. For the purpose of resolving Second Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Second Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her intern pharmacist license without further process.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

**ORDER**

IT IS HEREBY ORDERED that Intern Pharmacist License No. INT 37174, issued to Respondent Yuna Kim, is surrendered effective 90 days from the date of Respondent's signature, and accepted by the Board.

IT IS FURTHER ORDERED that should Respondent Yuna Kim be issued a Pharmacist License by the Board, that license shall be publicly reprovved. That is, upon satisfaction of statutory and regulatory requirements for issuance thereof, a Pharmacist License shall be issued to Respondent Yuna Kim and shall simultaneously be publicly reprovved with a requirement that she enroll and complete an ethics course, consistent with California Code of Regulations section 1773.5, during Respondent's first two years of licensure as a Pharmacist. Failure to timely enroll in an approved ethics course, to initiate and successfully complete the course during the first two years of Pharmacist licensure, or to timely submit proof of completion to the Board or its designee, shall be considered cause to discipline Respondent's Pharmacist license.

1. The surrender of Respondent's intern pharmacist license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as an intern pharmacist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her intern pharmacist pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If she ever applies for licensure or petitions for reinstatement of the intern pharmacist license in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Second Amended Accusation No. 6768 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$18,284.00 prior to issuance of a new or reinstated intern pharmacist license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Second Amended Accusation, No. 6768 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Nothing in this Order shall be construed to prohibit Respondent from taking pharmacist licensing examinations as required for licensure as a pharmacist.

**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Intern Pharmacist License and any future Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

YUNA KIM  
*Respondent*

I have read and fully discussed with Respondent Yuna Kim the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

HERBERT L. WEINBERG  
*Attorney for Respondent*

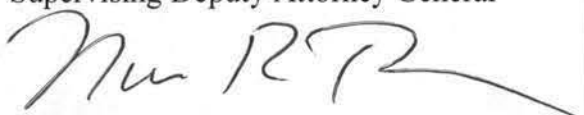
**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 1/24/2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General



NICOLE R. TRAMA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Second Amended Accusation No. 6768**

1 XAVIER BECERRA  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*  
8

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

13 In the Matter of the Accusation Against:

Case No. 6768

14 **YUNA KIM**

15 **Intern Pharmacist License No. INT 37174**

**SECOND AMENDED ACCUSATION**

16 Respondent.

17  
18 **PARTIES**

19 1. Anne Sodergren (Complainant) brings this Second Amended Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
21 Affairs.

22 2. On or about October 29, 2015 the Board of Pharmacy issued Intern Pharmacist  
23 License No. INT 37174 to Yuna Kim (Respondent). The Intern Pharmacist License was current  
24 and active at all times relevant to the matters described herein and will expire on May 31, 2020.

25 **JURISDICTION**

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

1           4.     Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4           5.     Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6           6.     Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
7 suspension of a Board-issued license, the placement of a license on a retired status, or the  
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
10 licensee or to render a decision suspending or revoking the license.

### 11                                   **STATUTORY PROVISIONS**

12           7.     Section 123 of the Code states in part:

13                   It is a misdemeanor for any person to engage in any conduct which subverts or  
14 attempts to subvert any licensing examination or the administration of an  
examination, including, but not limited to:

15                   (a) Conduct which violates the security of the examination materials; removing  
16 from the examination room any examination materials without authorization; the  
unauthorized reproduction by any means of any portion of the actual licensing  
17 examination; aiding by any means the unauthorized reproduction of any portion of the  
actual licensing examination; paying or using professional or paid examination-takers  
18 for the purpose of reconstructing any portion of the licensing examination; obtaining  
examination questions or other examination material, except by specific authorization  
19 either before, during, or after an examination; or using or purporting to use any  
examination questions or materials which were improperly removed or taken from  
20 any examination for the purpose of instructing or preparing any applicant for  
examination; or selling, distributing, buying, receiving, or having unauthorized  
21 possession of any portion of a future, current, or previously administered licensing  
examination.

22                   . . . .

23           8.     Section 496 of the Code provides that a board may deny, suspend, revoke, or  
24 otherwise restrict a license on the ground that an applicant or licensee has violated section 123  
25 pertaining to the subversion of licensing examinations.

26           9.     Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
27 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but  
28 not be limited to, any of the following:

....

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

....

### **COST RECOVERY**

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

### **FACTUAL ALLEGATIONS**

11. On or about July 9, 2019, during a pharmacist licensing examination, Respondent reproduced without authorization, portions of the actual licensing examination on her scratch paper.

### **FIRST CAUSE FOR DISCIPLINE**

(Unauthorized Reproduction of the Licensing Examination)

12. Respondent is subject to disciplinary action under section 496, by reference to section 123, of the Code, in that Respondent reproduced without authorization portions of the actual licensing examination, as described above in paragraph 11.

### **SECOND CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

13. Respondent is subject to disciplinary action under section 4301 of the Code, in that, as described above in paragraphs 11-12, Respondent engaged in unprofessional conduct.

### **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 Intern Pharmacist License No. INT 37174, issued to Yuna Kim (Respondent);

///

2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: January 23, 2020



ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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