

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

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

**CHOR NENG XIONG, Respondent**

**Designated Representative License No. EXC 23029**

**Agency Case No. 7043**

**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 May 26, 2021.

It is so ORDERED on April 26, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PATRICIA WEBBER HEIM  
Deputy Attorney General  
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7 E-mail: Patricia.Heim@doj.ca.gov  
*Attorneys for Complainant*

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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. 7043

14 **CHOR NENG XIONG**  
15 **3044 Clay Street**  
16 **Sacramento, CA 95815**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 **Designated Representative License No. EXC  
23029**

Respondent.

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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 **PARTIES**

24 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
25 (Board). She brought this action solely in her official capacity and is represented in this matter by  
26 Xavier Becerra, Attorney General of the State of California, by Patricia Webber Heim, Deputy  
27 Attorney General.

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**ORDER**

IT IS HEREBY ORDERED that Designated Representative License No. EXC 23029, issued to Respondent Chor Neng Xiong, is surrendered and accepted by the Board.

1. The surrender of Respondent's Designated Representative 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 a Designated Representative in California as of the effective date of the Board's Decision and Order.

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

4. Respondent may not apply, reapply, or petition for any licensure or registration of the Board for three (3) years from the effective date of the Decision and Order.

5. If he ever applies for licensure or petitions for reinstatement 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 Accusation No. 7043 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,508.75 prior to issuance of a new or reinstated license.

7. 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 Accusation, No. 7043 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.

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**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Designated Representative 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: \_\_\_\_\_  
CHOR NENG XIONG  
*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.

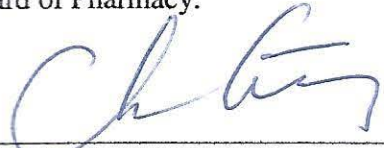
DATED: \_\_\_\_\_  
Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General  
  
PATRICIA WEBBER HEIM  
Deputy Attorney General  
*Attorneys for Complainant*

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**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Designated Representative 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: 3/23/2021   
CHOR NENG XIONG  
*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: 3/23/2021                      Respectfully submitted,  
  
XAVIER BECERRA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

PATRICIA WEBBER HEIM  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7043**

1 XAVIER BECERRA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PATRICIA WEBBER HEIM  
Deputy Attorney General  
4 State Bar No. 230889  
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7043

14 **CHOR NENG XIONG**  
15 **3044 Clay Street**  
**Sacramento, CA 95815**

**ACCUSATION**

16 **Designated Representative License No. EXC**  
17 **23029**

Respondent.

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21 **PARTIES**

22 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
23 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

24 2. On or about December 16, 2014, the Board issued Designated Representative License  
25 Number EXC 23029 to Chor Neng Xiong (Respondent). The Designated Representative License  
26 Number expired on December 1, 2018, and has not been renewed.

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**JURISDICTION**

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

5       4.     Business and Professions Code section 4300 states, in pertinent part:

6           (a) Every license issued may be suspended or revoked.

7           (b) The board shall discipline the holder of any license issued by the board,  
8 whose default has been entered or whose case has been heard by the board and found  
9 guilty, by any of the following methods:

10           (1) Suspending judgment.

11           (2) Placing him or her upon probation.

12           (3) Suspending his or her right to practice for a period not exceeding one year.

13           (4) Revoking his or her license.

14           (5) Taking any other action in relation to disciplining him or her as the board in  
15 its discretion may deem proper. . . .

16       5.     Code section 4300.1 states, in pertinent part:

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

**STATUTORY PROVISIONS**

23       6.     Section 4301 of the Code states, in pertinent part:

24           The board shall take action against any holder of a license who is guilty of  
25 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
26 conduct shall include, but is not limited to, any of the following:

27           . . . .

28           (h) The administering to oneself, of any controlled substance, or the use of any  
dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
dangerous or injurious to oneself, to a person holding a license under this chapter, or  
to any other person or to the public, or to the extent that the use impairs the ability of  
the person to conduct with safety to the public the practice authorized by the license.

. . . .

1 (k) The conviction of more than one misdemeanor or any felony involving the  
2 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,  
or any combination of those substances.

3 (l) The conviction of a crime substantially related to the qualifications,  
4 functions, and duties of a licensee under this chapter. The record of conviction of a  
5 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
6 States Code regulating controlled substances or of a violation of the statutes of this  
7 state regulating controlled substances or dangerous drugs shall be conclusive  
8 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
9 be conclusive evidence only of the fact that the conviction occurred. The board may  
10 inquire into the circumstances surrounding the commission of the crime, in order to  
11 fix the degree of discipline or, in the case of a conviction not involving controlled  
12 substances or dangerous drugs, to determine if the conviction is of an offense  
substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment.

13 . . . .

14 7. Section 490 of the Code states, in pertinent part,

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

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

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

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26 **COST RECOVERY**

27 8. Code section 125.3 states, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime)**

5 9. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),  
6 and 490 on the grounds of unprofessional conduct, in that on or about August 16, 2019, in the  
7 criminal proceeding entitled *People v. Chor Neng Xiong* (Sacramento County Super. Ct., Case  
8 18FE013350), Respondent was convicted by the court on his plea of no contest to violating Penal  
9 Code section 191.5, subdivision (b) (Vehicular Manslaughter while Intoxicated), a felony. As a  
10 result of his conviction, Respondent was sentenced to five years formal probation, and ordered to  
11 serve 365 days in jail, enroll in and complete a nine-month first offender DUI program, and pay  
12 all fines and fees. Respondent's driver's license was suspended for one year, and within 30 days  
13 of his release from custody, Respondent was ordered to install an ignition interlock device for  
14 three years. The conviction is substantially related to the qualifications, or duties of a Designated  
15 Representative. Court documentation indicates that Respondent's blood alcohol content was 0.30  
16 percent.

17 10. The circumstances are as follows: On or about May 27, 2018, a California Highway  
18 Patrol (CHP) officer responded to a report of a traffic collision in Sacramento, California. Upon  
19 arrival, the CHP officer observed Respondent sitting in the driver's seat of his vehicle, which  
20 sustained major roll-over damage. Respondent and his passenger remained inside the vehicle  
21 until they were extricated by fire personnel. The passenger of Respondent's vehicle died as a  
22 result of his injuries.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
26 on the grounds of unprofessional conduct, in that on or about May 27, 2018, Respondent  
27 consumed alcohol to an extent or in a manner as to be dangerous or injurious to oneself, to any  
28 other person or to the public, as more particularly set forth above in paragraphs 9-10.

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**THIRD CAUSE FOR DISCIPLINE**

**(Conviction of a Crime Involving the Consumption of Alcohol)**

12. Respondent is subject to disciplinary action under Code section 4301, subdivision (k), on the grounds of unprofessional conduct, in that Respondent was convicted of a crime involving the consumption of alcohol, as more particularly set forth above in paragraphs 9-10.

**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 Designated Representative License Number EXC 23029, issued to Chor Neng Xiong;
- 2. Ordering Chor Neng Xiong 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: 12/20/2020

Signature on File  
 \_\_\_\_\_  
 ANNE SODERGREN  
 Executive Officer  
 Board of Pharmacy  
 Department of Consumer Affairs  
 State of California  
*Complainant*

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