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

In the Matter of the Accusation Against:

BRANDON T. THAO

2350 S. Paula Avenue
Fresno, CA 93725

Pharmacy Technician License No. TCH 66873

Respondent.

Case No. 7270

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 10, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), filed Accusation No. 7270 against Brandon T. Thao (Respondent) before the Board. (Accusation attached as Exhibit A.)
2. On or about February 15, 2006, the Board issued Pharmacy Technician License No. TCH 66873 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7270 and will expire on January 31, 2024, unless renewed.

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2 3. On or about March 20, 2023, Respondent was served by Certified and First Class
3 Mail copies of the Accusation No. 7270, Statement to Respondent, Notice of Defense, Request
4 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
5 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
6 section 4100, is required to be reported and maintained with the Board. Respondent's address of
7 record was and is: 2350 S. Paula Avenue, Fresno, CA 93725.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505(c) and/or Business and Professions Code section 124.

10 5. Government Code section 11506(c) states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all
13 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
14 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
15 discretion may nevertheless grant a hearing.

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
18 waived his right to a hearing on the merits of Accusation No. 7270.

19 7. California Government Code section 11520(a) states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense . . . or to appear at
21 the hearing, the agency may take action based upon the respondent's express
22 admissions or upon other evidence and affidavits may be used as evidence without
23 any notice to respondent

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 finds that the charges and allegations in Accusation No. 7270, are separately and severally, found
28 to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$3,893.75
as of August 31, 2023.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Brandon T. Thao has subjected
3 his Pharmacy Technician License No. TCH 66873 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 License based upon the following violations alleged in the Accusation which are supported by the
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. A violation of Code section 4301(f), in that respondent committed acts of moral
9 turpitude as more fully set follows: on or about and between January 2019 and January 2022,
10 Respondent engaged in acts of sexual abuse of his young stepdaughter. Based on this misconduct,
11 on or about March 3, 2022, Respondent was charged in Fresno County Superior Court case no.
12 F22901293 with two counts of violating Penal Code section 288, Lewd and Lascivious Acts with
13 a Minor.

14 **ORDER**

15 IT IS SO ORDERED that Pharmacy Technician License No. TCH 66873, issued to
16 Respondent Brandon T. Thao, is REVOKED.

17 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
18 written motion requesting that the Decision be vacated and stating the grounds relied on within
19 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
20 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

21 This Decision shall become effective at 5:00 p.m. on November 8, 2023.

22 It is so ORDERED on October 9, 2023.

23 

24 _____
25 Seung W. Oh, Pharm. D.
26 Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

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Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 KEVIN W. BELL
Deputy Attorney General
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6 Telephone: (916) 210-7511
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7 E-mail: Kevin.Bell@doj.ca.gov
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 7270

13 **BRANDON T. THAO**
14 **2350 S. Paula Avenue**
15 **Fresno, CA 93725**

ACCUSATION

15 **Pharmacy Technician License No. TCH**
16 **66873**

16 Respondent.
17

18 **PARTIES**

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

21 2. On or about February 15, 2006, the Board issued Pharmacy Technician License
22 Number TCH 66873 to Brandon T. Thao (Respondent). The Pharmacy Technician License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 January 31, 2024, unless renewed.

25 **JURISDICTION**

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

1 4. Code section 4300 states, in pertinent part:

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

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

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

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

8 (4) Revoking his or her license.

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

11 5. Code section 4300.1 states:

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

16 **STATUTORY AND REGULATORY PROVISIONS**

17 6. Code section 4301 states, in pertinent part:

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

20 . . .

21 (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.

22

23 **COST RECOVERY**

24 7. Code section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

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1 **FACTUAL ALLEGATIONS**

2 8. On or about and between January 2019 and January 2022, Respondent engaged in
3 acts of sexual abuse of his stepdaughter (“CV”) as follows:

4 a. Respondent entered CV’s room one evening when she was in bed, almost asleep. The
5 room was dark. While standing next to her bed, Respondent placed his hands inside CV’s pants
6 and under her underwear. Respondent began rubbing his fingers against her vagina, then inserted
7 a finger (or fingers) inside her vagina. CV felt pain, and could hear Respondent breathing heavily.
8 CV moved her body, causing Respondent to stop and leave the room.

9 b. Respondent woke CV up for school one morning by poking her vagina with his
10 finger, over her pants.

11 c. Respondent smacked CV on her on the buttocks on multiple occasions.

12 d. On one occasion, Respondent grabbed CVs breasts from behind, over her clothes. On
13 another occasion, Respondent “acted like” he was trying to touch CV’s breasts.

14 9. On or about March 3, 2022, based on the above, Respondent was charged in Fresno
15 County Superior Court case no. F22901293 with two counts of violating Penal Code section 288,
16 Lewd and Lascivious Acts with a Minor.

17 **CAUSE FOR DISCIPLINE**

18 (Moral Turpitude)

19 10. Respondent is subject to disciplinary action under Code section 4301(f), in that
20 respondent committed acts of moral turpitude as more fully set forth in paragraphs 8 and 9 above.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Pharmacy issue a decision:

24 1. Revoking or suspending Pharmacy Technician License Number TCH 66873, issued
25 to Brandon T. Thao;

26 2. Ordering Brandon T. Thao to pay the Board of Pharmacy the reasonable costs of the
27 investigation and enforcement of this case, pursuant to Business and Professions Code section
28 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/10/2023

Sodergren,
Anne@DCA



Digitally signed by Sodergren,
Anne@DCA
Date: 2023.03.10 07:24:53
-08'00'

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

SA2022305253
Thao Accusation Edits.docx