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

In the Matter of the Accusation Against:

NORMANDY JACKIE NG
522 Chestnut St #1
San Carlos, CA 94070

Pharmacy Technician License No. TCH 185145,

Respondent.

Case No. 7351
DEFAULT DECISION AND ORDER
(Gov. Code, § 11520)

FINDINGS OF FACT

1. On September 26, 2022, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7351 against Normandy Jackie Ng (Respondent) before the Board. (Exhibit 1.)
2. On October 26, 2021, the Board issued Pharmacy Technician License No. TCH 185145 to Respondent. This pharmacy technician license was in full force and effect at all times relevant to the charges brought in Accusation No. 7351 and will expire on June 30, 2023, unless renewed.
3. On or about September 30, 2022, Respondent was served by certified and first class mail copies of the Accusation No. 7351, Statement to Respondent, Notice of Defense,

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
2 and 11507.7) at Respondent’s address of record which, under Business and Professions Code
3 section 4100, is required to be reported and maintained with the Board. Respondent’s address of
4 record was and is 522 Chestnut St., #1, San Carlos, CA 94070.

5 4. Service of the accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c), and/or Business and Professions Code section
7 124.

8 5. Government Code section 11506, subdivision (c), states in part:
9 “The respondent shall be entitled to a hearing on the merits if the respondent files a notice
10 of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . .
11 not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of
12 respondent’ right to a hearing, but the agency in its discretion may nevertheless grant a hearing.”

13 6. The Board takes official notice of its records and the fact that Respondent failed to
14 file a notice of defense within 15 days after service upon him of the Accusation, and therefore
15 waived his right to a hearing on the merits of Accusation No. 7351.

16 7. Government Code section 11520, subdivision (a), states in part:
17 “If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the
18 agency may take action based upon the respondent’s express admissions or upon other evidence
19 and affidavits may be used as evidence without any notice to respondent”

20 8. By its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
23 finds that the charges and allegations in Accusation No. 7351 are separately and severally found
24 to be true and correct by clear and convincing evidence.

25 9. The Board finds that the actual costs for investigation and enforcement are
26 \$1,517.50 as of October 25, 2022.

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1 **DETERMINATION OF ISSUES**

2 1. Based on these findings of fact, Respondent has subjected his Pharmacy
3 Technician License No. TCH 185145 to discipline.

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

5 3. The Board is authorized to revoke Respondent’s pharmacy technician license
6 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. Conviction (Bus. & Prof. Code, §§ 490, 4301, subd. (l))

9 **ORDER**

10 IT IS ORDERED that Pharmacy Technician License No. TCH 185145 issued to
11 Respondent is revoked.

12 Under Government Code section 11520, subdivision (c), Respondent may serve a written
13 motion requesting that the decision be vacated and stating the grounds relied on within seven days
14 after service of the decision on Respondent. The agency in its discretion may vacate the decision
15 and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on January 4, 2023 at 5:00 p.m.

17 It is so ORDERED on December 5, 2022.

18 FOR THE BOARD OF PHARMACY
19 DEPARTMENT OF CONSUMER AFFAIRS
20 STATE OF CALIFORNIA

21 

22 By _____

23 Seung W. Oh, Pharm.D.,
24 Board President

25 43450404.DOCX
26 DOJ Matter ID:SF2022401708

27 Attachment Exhibit 1: Accusation

28

Exhibit 1

Accusation

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 GREGORY TUSS
Deputy Attorney General
4 State Bar No. 200659
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5 San Francisco, CA 94102-7004
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 7351

13 **NORMANDY JACKIE NG**
14 **522 Chestnut St #1**
San Carlos, CA 94070

ACCUSATION

15 **Pharmacy Technician License No. TCH 185145,**
16 Respondent.

17
18 Complainant Anne Sodergren alleges:

19 **PARTIES**

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

23 2. On October 26, 2021, the Board issued Pharmacy Technician License No.
24 TCH 185145 to Normandy Jackie Ng (Respondent). This pharmacy technician license was in full
25 force and effect at all times relevant to the charges brought in this accusation and will expire on
26 June 30, 2023, unless renewed.

27 **JURISDICTION**

28 3. This accusation is brought before the Board under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 4300 states in part:

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

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

7 “(1) Suspending judgment.

8 “(2) Placing him or her upon probation.

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

10 “(4) Revoking his or her license.

11 “(5) Taking any other action in relation to disciplining him or her as the board in its
12 discretion may deem proper.”

13 5. Section 4300.1 states:

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

19 **STATUTORY AND REGULATORY AUTHORITY**

20 6. Section 490 states in part:

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

25 7. Section 4301 states in part:

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

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

18 8. California Code of Regulations, title 16, section 1770, states:

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

COST RECOVERY

25 9. Section 125.3, subdivision (a), states:

26 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
27 proceeding before any board within the department or before the Osteopathic Medical Board,
28

1 upon request of the entity bringing the proceeding, the administrative law judge may direct a
2 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
3 to exceed the reasonable costs of the investigation and enforcement of the case.”

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(July 7, 2022, Criminal Conviction)**

6 10. Respondent has subjected his pharmacy technician license to discipline under
7 Business and Professions Code sections 490 and 4301, subdivision (l), for a conviction. On July
8 7, 2022, in *The People of the State of California v. Normandy Jackie Ng*, Contra Costa County
9 Superior Court Case No. 01-198322-9, Respondent pled guilty to two misdemeanor counts of
10 unlawful sexual intercourse with a minor who is more than three years younger than the
11 perpetrator (Pen. Code, § 261.5, subd. (c)). Imposition of sentence was suspended, and
12 Respondent was placed on one year probation. Terms and conditions of probation included 270
13 days’ incarceration.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
16 accusation, and that following the hearing, the Board issues a decision:

- 17 1. Revoking or suspending Pharmacy Technician License No. TCH 185145 issued to
18 Respondent;
- 19 2. Ordering Respondent under Business and Professions Code section 125.3 to pay
20 the Board the reasonable costs of the investigation and enforcement of this case; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 9/26/2022

Signature on File

24 _____
25 ANNE SODERGREN
26 Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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