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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. 7368

13 **BRANDON HONG DOAN**  
14 **8681 Nantucket Way**  
15 **Garden Grove, CA 92841**

**DEFAULT DECISION AND ORDER**

16 **Pharmacist License No. RPH 53566**

[Gov. Code, §11520]

17 Respondent.

18  
19 **FINDINGS OF FACT**

20 1. On or about October 26, 2022, Complainant Anne Sodergren, in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
22 Accusation No. 7368 against Brandon Hong Doan (Respondent) before the Board of Pharmacy.  
23 (Accusation attached as Exhibit A.)

24 2. On or about August 19, 2022, the Board of Pharmacy (Board) issued Pharmacist  
25 License No. RPH 53566 to Respondent. The Pharmacist License was in full force and effect at  
26 all times relevant to the charges brought in Accusation No. 7368 and will expire on October 31,  
27 2023, unless renewed.

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1           3.     On or about November 3, 2022, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7368, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7), at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is: 8681 Nantucket Way, Garden Grove, CA 92841.

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

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

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

15           6.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
17 waived his right to a hearing on the merits of Accusation No. 7368.

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

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

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 finds that the charges and allegations in Accusation No. 7368, are separately and severally, found  
27 to be true and correct by clear and convincing evidence.

28           9.     The Board finds that the actual costs for Investigation and Enforcement are  
\$3,925.00.

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**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Brandon Hong Doan has subjected his Pharmacist License No. RPH 53566 to discipline.

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

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

a. Violation of Business and Professions Code section 4301, subdivision (f), in that between or about May 2020 and August 2022, Respondent committed acts involving moral turpitude.

b. Violation of Business and Professions Code section 4301, subdivision (h), in that between or about May 2020 and August 2022, Respondent self-administered methamphetamine, a Schedule II Controlled Substance.

c. Violation of Business and Professions Code section 4301, subdivision (j), in conjunction with Health & Safety Code sections 11377 and 11364(a), in that between or about May 2020 and August 2022, Respondent possessed methamphetamine and drug paraphernalia.

d. Violation of Business and Professions Code section 4301, in that between or about May 2020 and August 2022, Respondent displaying unprofessional conduct.

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**ORDER**

IT IS SO ORDERED that Pharmacist License No. RPH 53566, issued to Respondent Brandon Hong Doan, is revoked.

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

This Decision shall become effective at 5:00 p.m. on March 17, 2023.

It is so ORDERED on February 15, 2023.



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

83715901.DOCX  
DOJ Matter ID:SD2022802398

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
3 NICOLE M. KENNEDY  
Deputy Attorney General  
4 State Bar No. 332873  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
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*Attorneys for Complainant*

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. 7368

14 **BRANDON HONG DOAN**  
15 **8681 Nantucket Way**  
**Garden Grove, CA 92841**

**ACCUSATION**

16 **Pharmacist License No. RPH 53566**

17 Respondent.

18  
19 **PARTIES**

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

22 2. On or about August 19, 2002, the Board of Pharmacy issued Pharmacist License  
23 Number RPH 53566 to Brandon Hong Doan (Respondent). The Pharmacist License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
25 2023, unless renewed.

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1 **JURISDICTION**

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

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

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

10 6. Section 4300, subdivision (c), of the Code states:

11 The board may refuse a license to any applicant guilty of unprofessional  
12 conduct. The board may, in its sole discretion, issue a probationary license to any  
13 applicant for a license who is guilty of unprofessional conduct and who has met all  
14 other requirements for licensure. . . .

14 7. Section 4300.1, of the Code states:

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

19 **STATUTORY PROVISIONS**

20 8. Section 4301 of the Code states:

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

23 . . .

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

26 . . .

27 (h) The administering to oneself, of any controlled substance, or the use of any  
28 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.

...

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

9. Health & Safety Code section 11364 states, in pertinent part:

(a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance that is a narcotic drug classified in Schedule III, IV, or V.

...

10. Health & Safety Code section 11377 states, in pertinent part:

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

### **COST RECOVERY**

11. 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 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.



1 **DEFINITIONS**

2 12. **Methamphetamine** is a Schedule II controlled substance pursuant to Health and  
3 Safety Code section 11055, subdivision (d). It is sometimes known by the street terminology of  
4 “crystal.”

5 **FACTUAL ALLEGATIONS**

6 13. On or about May 6, 2020 at approximately 6:30 p.m., an officer from the Sonoma  
7 County Sheriff’s Department responded to a report of a suspicious vehicle that had been parked in  
8 a business complex’s parking lot for approximately two hours. The reporting party stated that the  
9 vehicle had followed him from his home to his place of business and parked in a parking spot  
10 near the entrance of the business. During the two-hour time frame, the driver was observed  
11 peering into the windows of the reporting party’s place of business. Upon arrival at the scene, the  
12 officer made contact with the driver, later identified as Respondent. The officer searched  
13 Respondent’s belongings and found two methamphetamine pipes, as well as 14.2 grams of  
14 methamphetamine. Respondent stated to the officer that methamphetamine was a medicine that  
15 “helped his brain.” Subsequently, Respondent was arrested for violating Health & Safety Code  
16 sections 11377(a) (Possession of a Controlled Substance) and 11364(a) (Possession of Controlled  
17 Substance Paraphernalia).

18 14. On or about May 28, 2020 at approximately 9:12 p.m., an officer from the San Jose  
19 Police Department responded to a report of an unwelcome subject, later identified as Respondent,  
20 attempting to enter the victim’s residence. Family members of Respondent told the police that  
21 Respondent had a drug issue and had been attempting to enter various residences through back  
22 doors. While talking with Respondent, the officer observed multiple signs and symptoms of  
23 being under the influence of a controlled substance, including contracted pupils, excessive  
24 sweating, chapped lips, an elevated heart rate of 118 BPM, and excessive fidgeting. Respondent  
25 was arrested for violating Health & Safety Code section 11550(a) (Under the Influence of a  
26 Controlled Substance), a misdemeanor. At 11:00 p.m., Respondent was booked into the Main  
27 Jail, where he submitted to a chemical blood draw and tested positive for methamphetamine.  
28

1           15. On or about September 1, 2020 at approximately 3:45 a.m., Respondent arrived at his  
2 sister's house, doused himself in gasoline, and threatened to set himself on fire. He was  
3 subsequently placed on a 72-hour psychiatric hold pursuant to Welfare & Institutions Code  
4 section 5150. However, Respondent was released early and allowed to return to his sister's house  
5 to collect his gasoline can. At approximately 5:40 p.m. on the same day, an officer from the San  
6 Jose Police Department responded to a report of Respondent kicking down his sister's front door,  
7 causing damage to the door and doorframe. Additionally, Respondent ripped a surveillance  
8 camera off the side of the house and threw it on the ground. The damages were estimated to be  
9 approximately \$1,100.00. Respondent fled the scene prior to the officer's arrival, but was  
10 contacted nearby. The sister was granted an emergency protective order and Respondent was  
11 arrested for violating Penal Code section 594(b)(1) (Vandalism), a felony. Respondent was  
12 subsequently placed on a second psychiatric hold pursuant to Welfare & Institutions Code section  
13 5150.

14           16. On or about August 12, 2022 at approximately 12:13 p.m., an officer with the Garden  
15 Grove Police Department was dispatched to a motel regarding a guest, later identified as  
16 Respondent, who was refusing to check out of his room. The reporting party described  
17 Respondent as "aggressive" and stated that Respondent was using drugs inside of the motel room.  
18 Because Respondent did not acquiesce to officers' requests to leave the room, motel staff  
19 provided officers with a room key. The officers observed Respondent sitting on the bed, then  
20 took him into custody without incident. After Respondent left the room, officers found three  
21 large crystal-like rocks and two smoking pipes with burnt residue near where Respondent was  
22 sitting. The rocks, which were determined to be methamphetamine, weighed approximately 5.5  
23 grams combined. Respondent admitted that the rocks were "crystal" and stated that he purchased  
24 10 grams of the drug on Amazon for approximately \$30.00 or \$40.00. He also admitted that he  
25 had been smoking methamphetamine for approximately three years, multiple times a day  
26 depending on "how his day is going," and that he uses it for religious purposes and for managing  
27 ADHD symptoms. Respondent was arrested for violating Health & Safety Code sections  
28

1 11364(a) (Possession of Controlled Substance Paraphernalia), a misdemeanor, and 11377(a)  
2 (Possession of a Controlled Substance), a felony.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Moral Turpitude)**

5 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
6 in that he committed acts involving moral turpitude, such as when he went to his sister's house  
7 and threatened to set himself on fire, kicked down the front door, and ripped a surveillance  
8 camera off the wall, as further set forth in paragraph 13 above.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct – Self-Administration of Controlled Substance)**

11 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
12 in that he self-administered methamphetamine, a Schedule II Controlled Substance, as further set  
13 forth in paragraphs 11, 12, and 14 above.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct – Violation of Laws Involving Controlled Substances)**

16 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),  
17 in conjunction with Health & Safety Code sections 11377(a) and 11364(a), in that Respondent  
18 possessed methamphetamine and drug paraphernalia, as further set forth in paragraphs 11, 12, and  
19 14 above.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct)**

22 20. Respondent is subject to disciplinary action under Code section 4301, in that he  
23 displayed unprofessional conduct, as further set forth in paragraphs 11-14 above.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacist License Number RPH 53566, issued to Brandon  
28 Hong Doan;

1           2.     Ordering Brandon Hong Doan to pay the Board of Pharmacy the reasonable costs of  
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
3 125.3; and,

4           3.     Taking such other and further action as deemed necessary and proper.  
5

6  
7     DATED: 10/26/2022

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2022.10.26 20:59:58  
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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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