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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. 7572

13 **SUNG WOO LEE**  
14 **12415 Imperial Highway, #70**  
**Norwalk, CA 90650**

**DEFAULT DECISION AND ORDER**

15 **Pharmacist License No. RPH 85308**

[Gov. Code, §11520]

16  
17 Respondent.

18  
19 **FINDINGS OF FACT**

20 1. On or about July 24, 2023, Complainant Anne Sodergren, in her official capacity as  
21 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed  
22 Accusation No. 7572 against Sung Woo Lee (Respondent) before the Board. (Accusation  
23 attached as Exhibit A.)

24 2. On or about September 21, 2021, the Board issued Pharmacist License No. RPH  
25 85308 to Respondent. The Pharmacist License was in full force and effect at all times relevant to  
26 the charges brought in Accusation No. 7572 and will expire on September 30, 2023, unless  
27 renewed.

28 ///

1           3.     On or about July 27, 2023, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 7572, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is:

7     12415 Imperial Highway, #70  
8     Norwalk, CA 90650.

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

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

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

17          6.     The Board takes official notice of its records and the fact that Respondent failed to  
18 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
19 waived his right to a hearing on the merits of Accusation No. 7572.

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

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

25          8.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 finds that the charges and allegations in Accusation No. 7572, are separately and severally, found  
to be true and correct by clear and convincing evidence.

          9.     The Board finds that the actual costs for Investigation and Enforcement are \$1,658.75  
as of September 8, 2023.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Sung Woo Lee has subjected his  
3 Pharmacist License No. RPH 85308 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 Pharmacist 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. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
9 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that  
10 Respondent was convicted of a crime substantially related to the qualifications, functions, and  
11 duties of a pharmacy technician<sup>1</sup>. Specifically, on or about June 29, 2022, after his guilty plea,  
12 Respondent was convicted of Count One: a misdemeanor count for violating Vehicle Code  
13 section 23152, subdivision (a) (driving while intoxicated with alcohol) and Count Two: a  
14 misdemeanor count for violating Vehicle Code section 23152, subdivision (b) (driving while  
15 having 0.08% or greater blood alcohol content (BAC) in his blood) in the criminal proceeding  
16 titled: *The People of the State of California v. Sung Woo Lee* (Super. Ct. Orange County, 2022,  
17 No. 22WM04394).

18 b. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
19 in that on or about March 19, 2022, Respondent used alcoholic beverages to the extent or in a  
20 manner as to be dangerous or injurious to himself, another person, or to the public.

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28 <sup>1</sup> Respondent holds Pharmacist License No. RPH 85308. Accusation Case No. 7572  
incorrectly states Respondent holds a pharmacy technician license.

**ORDER**

IT IS SO ORDERED that Pharmacist License No. RPH 85308, issued to Respondent Sung Woo Lee, 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 November 8, 2023.

It is so ORDERED on October 9, 2023.

BOARD OF PHARMACY DEPARTMENT  
OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Seung W. Oh, Pharm.D.  
Board President

66217670.DOCX  
DOJ Matter ID:LA2023602026

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Supervising Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6291  
6 Facsimile: (916) 731-2126  
E-mail: Shawn.Cook@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7572

13 **SUNG WOO LEE**  
14 **12415 Imperial Highway, #70**  
**Norwalk, CA 90650**

**ACCUSATION**

15 **Pharmacist License No. RPH 85308**

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 September 21, 2021, the Board issued Pharmacist License Number RPH  
22 85308 to Sung Woo Lee (Respondent). The Pharmacist License was in full force and effect at all  
23 times relevant to the charges brought herein and will expire on September 30, 2023, unless  
24 renewed.

25 **JURISDICTION**

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

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4300 of the Code states, in pertinent part:

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

...

6. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the 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 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

## STATUTORY PROVISIONS

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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

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 conduct shall include, but is not limited to, any of the following:

• • •

(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.

• • •

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United

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

17 . . .

### 18 **REGULATORY PROVISIONS**

19 9. California Code of Regulations, title 16, section 1770, states:

20 (a) For the purpose of denial, suspension, or revocation of a personal or facility  
21 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the  
22 Business and Professions Code, a crime, professional misconduct, or act shall be  
23 considered substantially related to the qualifications, functions or duties of the  
24 practice, profession, or occupation that may be performed under the license type  
25 sought or held if to a substantial degree it evidences present or potential unfitness of  
26 an applicant or licensee to perform the functions authorized by the license in a  
27 manner consistent with the public health, safety, or welfare.

28 (b) In making the substantial relationship determination required under  
subdivision (a) for a crime, the board will consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the practice, profession, or occupation that may be  
performed under the license type sought or held.

(c) For purposes of subdivision (a), substantially related crimes, professional  
misconduct, or acts shall include, but are not limited to, those which:

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
conspire to violate, any provision of law of this state, or any other jurisdiction,  
governing the practice of pharmacy.

(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of  
Title 21 of the United States Code regulating controlled substances or any law of this  
state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
conspire to violate, any provision of law of this state, or any other jurisdiction,

relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.

(5) Involve a conviction for driving under the influence of drugs or alcohol.

### **COST RECOVERY**

10. Section 125.3 of the Code states, 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.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Conviction of a Substantially Related Crime)**

11. Respondent is subject to disciplinary action under Code sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician. Specifically, on or about June 29, 2022, after his guilty plea, Respondent was convicted of Count One: a misdemeanor count for violating Vehicle Code section 23152, subdivision (a) (driving while intoxicated with alcohol) and Count Two: a misdemeanor count for violating Vehicle Code section 23152, subdivision (b) (driving while having 0.08% or greater blood alcohol content (BAC) in his blood) in the criminal proceeding titled: *The People of the State of California v. Sung Woo Lee* (Super. Ct. Orange County, 2022, No. 22WM04394). The court placed Respondent on three years' of probation with terms and conditions. The court stayed the sentencing for Count Two, pursuant to Penal Code section 654<sup>1</sup>. The circumstances surrounding the conviction were that on or about March 19, 2022, officers responded to a traffic collision. Upon arrival, officers observed Respondent sitting on the curb

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<sup>1</sup> (a) An act or omission that is punishable in different ways by different provisions of law may be punished under either of such provisions, but in no case shall the act or omission be punished under more than one provision. An acquittal or conviction and sentence under any one bars a prosecution for the same act or omission under any other.

(b) Notwithstanding subdivision (a), a defendant sentenced pursuant to subdivision (a) shall not be granted probation if any of the provisions that would otherwise apply to the defendant prohibits the granting of probation.

1 near his vehicle and upon contact, officers noted Respondent displayed objective symptoms of  
2 alcohol intoxication. During the investigation, Respondent admitted to drinking prior to driving.  
3 Respondent submitted to a preliminary alcohol screening test at approximately 11:50 p.m.  
4 resulting in a 0.202% BAC. Respondent later submitted a blood sample at approximately 12:25  
5 a.m. on March 20, 2022, resulting in a 0.22% BAC.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous Use of Alcohol)**

8 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
9 in that on or about March 19, 2022, Respondent used alcoholic beverages to the extent or in a  
10 manner as to be dangerous or injurious to himself, another person, or to the public. Complainant  
11 refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, as  
12 though set forth fully.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacist License Number RPH 85308, issued to Sung  
17 Woo Lee;
- 18 2. Ordering Sung Woo Lee to pay the Board of Pharmacy the reasonable costs of the  
19 investigation and enforcement of this case, pursuant to Business and Professions Code section  
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: 7/24/2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.07.24 19:50:28  
-07'00'

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

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