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

In the Matter of the Accusation Against:

Case No. 7971

CHANVUTHDY DEVIN ROS
2612 Dardanelle Drive
Modesto, CA 95355

DEFAULT DECISION AND ORDER

**Pharmacy Technician License No. TCH
64027**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about April 18, 2025, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7971 against Chanvuthdy Devin Ros (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about April 26, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 64027 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7971 and will expire on October 31, 2025, unless renewed.

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1 3. On or about May 1, 2025, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 7971, 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 2612 Dardanelle Drive
8 Modesto, CA 95355.

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. 7971.

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. 7971, 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 \$2,325.75
as of May 23, 2025.

DETERMINATION OF ISSUES

1
2 1. Based on the foregoing findings of fact, Respondent Chanvuthdy Devin Ros has
3 subjected his Pharmacy Technician License No. TCH 64027 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. Business and Professions Code section 4301, subdivision (h), dangerous use of
9 alcohol;

10 b. Business and Professions Code section 4301, subdivision (k), criminal conviction
11 related to alcohol use; and

12 c. Business and Professions Code section 4301, subdivision (l), criminal conviction
13 substantially related to the qualifications, functions, and duties of a pharmacy
14 technician.

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ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 64027, issued to Respondent Chanvuthdy Devin Ros, 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.

Upon revocation per this Order, under Business and Professions Code section 4307, subdivision (a), Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

This Decision shall become effective at 5:00 p.m. on July 30, 2025.

It is so ORDERED on June 30, 2025.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



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

39049673.docx/DOJ Matter ID:SA2025300453

Attachment:

Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 MEGAN M. BRIGHT
Deputy Attorney General
4 State Bar No. 347794
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7893
Facsimile: (916) 327-8643
7 E-mail: Megan.Bright@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 7971

12 **CHANVUTHDY DEVIN ROS**

13 2612 Dardanelle Drive
Modesto, CA 95355

ACCUSATION

14 **Pharmacy Technician License No. TCH**
15 **64027**

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, Department of Consumer Affairs.

21 2. On or about April 26, 2006, Board of Pharmacy (Board) issued Pharmacy Technician
22 License Number TCH 64027 to Chanvuthdy Devin Ros (Respondent). The Pharmacy Technician
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on October 31, 2025, 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 functions, and duties of a licensee under this chapter. The record of conviction of a
2 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
3 States Code regulating controlled substances or of a violation of the statutes of this
4 state regulating controlled substances or dangerous drugs shall be conclusive
5 evidence of unprofessional conduct. In all other cases, the record of conviction shall
6 be conclusive evidence only of the fact that the conviction occurred. The board may
7 inquire into the circumstances surrounding the commission of the crime, in order to
8 fix the degree of discipline or, in the case of a conviction not involving controlled
9 substances or dangerous drugs, to determine if the conviction is of an offense
10 substantially related to the qualifications, functions, and duties of a licensee under this
11 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
12 contendere is deemed to be a conviction within the meaning of this provision. The
13 board may take action when the time for appeal has elapsed, or the judgment of
14 conviction has been affirmed on appeal or when an order granting probation is made
15 suspending the imposition of sentence, irrespective of a subsequent order under
16 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
17 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
18 dismissing the accusation, information, or indictment.

19 ...

20 8. Section 4307 of the Code states

21 (a) Any person who has been denied a license or whose license has been
22 revoked or is under suspension, or who has failed to renew his or her license while it
23 was under suspension, or who has been a manager, administrator, owner, member,
24 officer, director, associate, partner, or any other person with management or control
25 of any partnership, corporation, trust, firm, or association whose application for a
26 license has been denied or revoked, is under suspension or has been placed on
27 probation, and while acting as the manager, administrator, owner, member, officer,
28 director, associate, partner, or any other person with management or control had
knowledge of or knowingly participated in any conduct for which the license was
denied, revoked, suspended, or placed on probation, shall be prohibited from serving
as a manager, administrator, owner, member, officer, director, associate, partner, or in
any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed
on probation, this prohibition shall remain in effect for a period not to exceed five
years.

(2) Where the license is denied or revoked, the prohibition shall continue until
the license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate,
partner, or any other person with management or control of a license" as used in this
section and Section 4308, may refer to a pharmacist or to any other person who serves
in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed
pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. However, no order may be issued in that case except as to a
person who is named in the caption, as to whom the pleading alleges the applicability
of this section, and where the person has been given notice of the proceeding as
required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. The authority to proceed as provided by this subdivision shall

1 be in addition to the board’s authority to proceed under Section 4339 or any other
2 provision of law.

3 **REGULATORY PROVISIONS**

4 9. California Code of Regulations, title 16, (Regulations) section 1770 states in pertinent
5 part:

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

13 ...

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

16 ...

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

18 **COST RECOVERY**

19 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
26 in that Respondent used alcohol in a manner dangerous or injurious to himself, or to any other
27 person or to the public. The circumstances are as follows:

28 12. On or about July 2, 2024, in a criminal proceeding titled *People v. Chanvuthoy Ros* in
Stanislaus Superior Court, Case Number CR-24-003061, Respondent was convicted on his plea
of no contest to violating Vehicle Code section 23152, subdivision (b), driving with a blood
alcohol content (BAC) of .08% or higher, a misdemeanor. Respondent was sentenced to 36

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1 months probation, seven days in jail, and ordered to enroll in a level one Drinking Driver
2 Program and to pay fines and fees. The underlying circumstances are as follows:

3 13. On or about February 19, 2024, at approximately 3:18 a.m., an officer with the
4 California Highway Patrol was called to respond to reports of a white SUV on Patterson Road in
5 Stanislaus County with the driver slumped over the steering wheel. On his way to the Patterson
6 Road, the officer observed two Stanislaus County Sherriff's deputies behind a white Chevrolet
7 Equinox on Bentley Road. The officer confirmed that this was the same vehicle from the report
8 and learned that the driver drove away when he was awoken by a fire department vehicle making
9 a welfare check. The officer contacted the driver, identified as Respondent, and observed a strong
10 odor of alcohol emitting from the vehicle and that Respondent's eyes were red and watery and his
11 speech was slurred. When asked how much he had to drink, Respondent stated that he had not
12 consumed any alcohol. When the officer informed Respondent that he could smell alcohol on
13 him, Respondent said he had one beer around 6:00 p.m. The officer attempted to conduct Pre-
14 Field Sobriety Test questions but Respondent was uncooperative and sarcastic. Respondent
15 refused to perform any field sobriety tests or chemical tests. A chemical blood draw was
16 completed at 6:57 a.m. under warrant. The test returned a BAC of .197%.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Criminal Convictions Related to Alcohol Use)**

19 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),
20 in that Respondent was convicted of more than one misdemeanor involving the use of alcohol as
21 described in paragraphs 12-13 and 15.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Criminal Conviction Substantially Related)**

24 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),
25 and California Code of Regulation, Title 16, section 1770, subdivision (c)(5), in that Respondent
26 was convicted of a crime substantially related to the qualifications, functions, and duties of a
27 Pharmacy Technician as described in paragraphs 12-13 above.

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1 **DISCIPLINE CONSIDERATIONS**

2 16. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about May 7, 2009, in a prior criminal proceeding titled People v.
4 Ros Chanvuthoy in Sacramento Superior Court, Case Number 09T02187. Respondent was
5 convicted of a misdemeanor violation of Vehicle Code section 23152, subdivision (b), driving
6 with a BAC of .08 or more, with a prior conviction from February 4, 2004, and was sentenced to
7 serve 22 days in jail, placed on four years probation, and ordered enroll in a drinking driver
8 program, and to pay fines and fees. The record of the criminal proceeding is final.

9 **OTHER MATTERS**

10 17. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
11 License No. 64027 issued to Chanvuthdy Devin Ros, Chanvuthdy Devin Ros shall be prohibited
12 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
13 of a licensee for five years if Pharmacy Technician License Number 64027 is placed on probation
14 or until Pharmacy Technician License Number 64027 is reinstated if it is revoked.

15 **PRAYER**

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

- 18 1. Revoking or suspending Pharmacy Technician License Number TCH 64027, issued
19 to Chanvuthdy Devin Ros;
- 20 2. Prohibiting Chanvuthdy Devin Ros from serving as a manager, administrator, owner,
21 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
22 License Number 64027 is placed on probation or until Pharmacy Technician License Number
23 64027 is reinstated if it is revoked;
- 24 3. Ordering Chanvuthdy Devin Ros to pay the Board of Pharmacy the reasonable costs
25 of the investigation and enforcement of this case, pursuant to Business and Professions Code
26 section 125.3 and if placed on probation, the costs of probation monitoring; and,

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

DATED: 4/18/2025

Sodergren, Digitally signed by
Anne@DCA Sodergren, Anne@DCA
Date: 2025.04.18
15:18:02 -07'00'

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

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