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

11 In the Matter of the Statement of Issues  
Against:  
12 **ALBERT DA SING LI**  
13 648 Sharon Road  
Arcadia, CA 91007  
14  
15 Pharmacist License Application  
16 Respondent.

Case No. 3947

**STATEMENT OF ISSUES**

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (“Complainant”) brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about January 12, 2009, the Board of Pharmacy, Department of Consumer  
22 Affairs received an application for a Pharmacist License Application from Albert Da Sing Li  
23 (“Respondent”). On or about January 6, 2009, Albert Da Sing Li certified under penalty of  
24 perjury to the truthfulness of all statements, answers, and representations in the application. The  
25 Board denied the application on April 8, 2010.

26 ///  
27 ///  
28 ///

1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 4. Section 480 of the Code provides, in pertinent part:

7 "(a) A board may deny a license regulated by this code on the grounds that the applicant  
8 has one of the following:

9 ....

10 (3) Done any act that if done by a licentiate of the business or profession in question, would  
11 be grounds for suspension or revocation of license..."

12 5. Section 4300, subdivision (c) of the Code provides, in pertinent part, "The board may  
13 refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole  
14 discretion, issue a probationary license to any applicant for a license who is guilty of  
15 unprofessional conduct and who has met all other requirements for licensure..."

16 6. Section 4301 of the Code provides, in pertinent part: "The Board shall take action  
17 against any holder of a license who is guilty of unprofessional conduct or whose license has been  
18 procured by fraud or misrepresentation or issued by mistake..."

19 7. Section 4402, subdivision (a) of the Code provides, in pertinent part, "Any  
20 pharmacist license that is not renewed within three years following its expiration may not be  
21 renewed, restored, or reinstated and shall be canceled by operation of law at the end of the three-  
22 year period."

23 FIRST CAUSE FOR DENIAL OF APPLICATION

24 (Unprofessional Conduct)

25 8. Respondent's application is subject to denial under sections 480, subdivision (a)(3)  
26 and 4300, subdivision (c) of the Code, as defined by section 4301 of the Code, for unprofessional  
27 conduct in that Respondent was disciplined by the California Board of Pharmacy as follows:

28

1 9. On or about December 22, 1981, the Board issued pharmacist license number RPH  
2 37098 to Respondent.

3 10. On or about July 2, 1994, pursuant to the Stipulation in Settlement and Decision in  
4 the disciplinary matter entitled, *In the Matter of the Accusation Against: Albert Da-Sing Li and*  
5 *The Evergreen Pharmacy*, the California Board of Pharmacy revoked Respondent's pharmacist  
6 license. Revocation was stayed however, and Respondent was placed on probation for three  
7 years. Among the terms and conditions of probation, Respondent was suspended from the  
8 practice of pharmacy for thirty days. Respondent was required to take and pass the law section of  
9 the Pharmacy Examination within one year of December 13, 1994. Further, Respondent was  
10 ordered to pay to the Board its costs of investigation and prosecution in the amount of \$4,500.00.

11 11. On or about July 31, 1998, Respondent's pharmacist license expired. Respondent  
12 failed to renew his license.

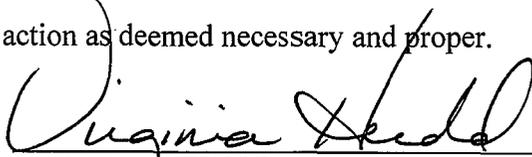
13 12. On or about May 1, 2003, pursuant to Code section 4402, subdivision (a),  
14 Respondent's pharmacist license was cancelled for nonpayment.

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. Denying the application of Albert Da Sing Li for a Pharmacist License Application;  
19 2. Taking such other and further action as deemed necessary and proper.

20 DATED: 4/5/11

21   
22 VIRGINIA HEROLD  
23 Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant

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