

1 BILL LOCKYER, Attorney General
of the State of California
2 CHRISTINA M. THOMAS, State Bar No. 171168
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2557
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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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 Accusation Against:

Case No. 2662

12 SHARON LEE CHAN
4057 Robin Hill Road
13 La Canada, CA 91011

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Original Pharmacist License No. RPH 39758

15 Respondent.

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17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Complainant Patricia F. Harris is the Executive Officer of the Board of
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
23 by Bill Lockyer, Attorney General of the State of California, by Christina M. Thomas, Deputy
24 Attorney General.

25 2. Sharon Lee Chan (Respondent) is represented in this proceeding by
26 attorney Richard Moss, Esq., whose address is 225 S. Marengo Ave., Pasadena, CA 91101.

27 3. On or about September 16, 1986, the Board of Pharmacy issued Original
28 Pharmacist License No. RPH 39758 to Sharon Lee Chan. The License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2662 and will expire on
2 November 30, 2004, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2662 was filed before the Board of Pharmacy (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on February 6,
7 2004. A copy of Accusation No. 2662 is attached as exhibit A and incorporated herein by
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2662. Respondent also has carefully
12 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender will
13 have on her ability to practice.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in the Accusation,
25 if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist License No.
26 RPH 39758.

27 9. Respondent admits the truth of each and every charge and allegation in
28 Accusation No. 2662, agrees that cause exists for discipline and hereby surrenders her Original

1 Pharmacist License No. RPH 39758 for the Board's formal acceptance.

2
3 EFFECT OF SURRENDER

4 10. Respondent understands that by signing this stipulation she enables the
5 Board to issue an order accepting the surrender of her Original Pharmacist License without
6 further process.

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
10 licensing agency is involved, and shall not be admissible in any other criminal or civil
11 proceeding.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Board of Pharmacy.
14 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
15 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
16 without notice to or participation by Respondent or her counsel. By signing the stipulation,
17 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
18 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
19 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
20 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
21 between the parties, and the Board shall not be disqualified from further action by having
22 considered this matter.

23 13. The parties understand and agree that facsimile copies of this Stipulated
24 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
25 and effect as the originals.

26 14. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
28 following Order:

1 ORDER

2 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 39758,
3 issued to Respondent Sharon Lee Chan is surrendered and accepted by the Board of Pharmacy.

4 15. The surrender of Respondent's Original Pharmacist License and the
5 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
6 against Respondent. This stipulation constitutes a record of the discipline and shall become a
7 part of Respondent's license history with the Board.

8 16. Respondent shall lose all rights and privileges as a pharmacist in
9 California as of the effective date of the Board's Decision and Order.

10 17. Respondent shall cause to be delivered to the Board both her License,
11 wall and pocket license certificate on or before the effective date of the Decision and Order.

12 18. Respondent understands and agrees that if she ever applies for licensure or
13 petitions for reinstatement in the State of California, the Board shall treat it as a new application
14 for licensure. Respondent must comply with all the laws, regulations and procedures for
15 licensure in effect at the time the application or petition is filed, and all of the charges and
16 allegations contained in Accusation No. 2662 shall be deemed to be true, correct, and admitted
17 by Respondent when the Board determines whether to grant or deny the application or petition.

18
19 ACCEPTANCE

20 I have carefully read the above Stipulated Surrender of License and Order and
21 have fully discussed it with my attorney, Richard Moss, Esq.. I understand the stipulation and
22 the effect it will have on my Original Pharmacist License. I enter into this Stipulated Surrender
23 of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
24 Decision and Order of the Board of Pharmacy.

25 DATED: 2/9/04.

26
27 Sharon Lee Chan
28 SHARON LEE CHAN
Respondent

1 I have read and fully discussed with Respondent Sharon Lee Chan the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: Feb 9, 2004.



5
6 RICHARD MOSS, ESQ.
7 Attorney for Respondent

8
9 ENDORSEMENT

10 The foregoing Stipulated Surrender of License and Order is hereby respectfully
11 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

12 DATED: 2/11/04

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14 BILL LOCKYER, Attorney General
of the State of California



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16
17 CHRISTINA M. THOMAS
Deputy Attorney General

18 Attorneys for Complainant
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23 DOJ Docket Number/Matter ID: 03583110-LA2003600359
24 CML (12/19/2003)
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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. 2662

Sharon Lee Chan
4057 Robin Hill Rd
La Canada, CA 91011

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Original Pharmacist License No. RPH 39758
Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on April 25, 2004.

It is so ORDERED on March 26, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

Exhibit A

Accusation No. 2662

1 BILL LOCKYER, Attorney General
of the State of California
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Deputy Attorney General
3 California Department of Justice
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2662

12 SHARON LEE CHAN
4057 Robin Hill Road
13 La Canada, CA 91011

A C C U S A T I O N

14 Original Pharmacist License No. RPH 39758

15 Respondent.

16

17 Complainant alleges:

18

PARTIES

19

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

22

2. On or about September 16, 1986, the Board of Pharmacy issued Original
23 Pharmacist License No. RPH 39758 to Sharon Lee Chan (Respondent). The Original Pharmacist
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on November 30, 2004, unless renewed.

26

JURISDICTION

27

3. This Accusation is brought before the Board of Pharmacy (Board),
28 Department of Consumer Affairs, under the authority of the following laws.

1 4. Business and Professions Code section 4300 provides, in pertinent part,
2 that every license issued by the Board is subject to discipline, including suspension or revocation

3 5. Business and Professions Code section 4301 states, in pertinent part:

4 "The board shall take action against any holder of a license who is guilty of
5 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
6 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
7 following:

8

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

12 "(g) Knowingly making or signing any certificate or other document that falsely
13 represents the existence or nonexistence of a state of facts.

14

15 "(l) The conviction of a crime substantially related to the qualifications, functions,
16 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
17 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
18 substances or of a violation of the statutes of this state regulating controlled substances or
19 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
20 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
21 The board may inquire into the circumstances surrounding the commission of the crime, in order
22 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
23 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
24 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
25 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
26 meaning of this provision. The board may take action when the time for appeal has elapsed, or
27 the judgment of conviction has been affirmed on appeal or when an order granting probation is
28 made suspending the imposition of sentence, irrespective of a subsequent order under Section

1 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
2 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
3 or indictment.

4
5 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or
6 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
7 applicable federal and state laws and regulations governing pharmacy, including regulations
8 established by the board.

9 "(p) Actions or conduct that would have warranted denial of a license."

10 6.. California Code of Regulations, title 16, section 1770, states:

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

17 7. Business and Professions Code section 490 states:

18 "A board may suspend or revoke a license on the ground that the licensee has been
19 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
20 of the business or profession for which the license was issued. A conviction within the meaning
21 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
22 contendere. Any action which a board is permitted to take following the establishment of a
23 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
24 been affirmed on appeal, or when an order granting probation is made suspending the imposition
25 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
26 Penal Code."

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28 ///

1 8. Business and Professions Code section 118 states, in pertinent part:

2 "(b) The suspension, expiration, or forfeiture by operation of law of a license
3 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
4 board or by order of a court of law, or its surrender without the written consent of the board, shall
5 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
6 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
7 any ground provided by law or to enter an order suspending or revoking the license or otherwise
8 taking disciplinary action against the licensee on any such ground.

9 "(c) As used in this section, 'board' includes an individual who is authorized by
10 any provision of this code to issue, suspend, or revoke a license, and 'license' includes
11 'certificate,' 'registration,' and 'permit.'"

12 9. Business and Professions Code section 125.3, subdivision (a), states, in
13 pertinent part:

14 "Except as otherwise provided by law, in any order issued in resolution of a
15 disciplinary proceeding before any board within the department . . . the board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations
17 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case."

19 FIRST CAUSE FOR DISCIPLINE

20 (Conviction of a Substantially Related Crime)

21 10. Respondent is subject to disciplinary action under Business and
22 Professions Code section 4300 and section 4301, subdivisions (l) and (o), on the grounds of
23 unprofessional conduct, in conjunction with Business and Professions Code section 490, as
24 defined in California Code of Regulations, title 16, section 1770, in that Respondent was
25 convicted of a crime substantially related to the qualifications, functions, or duties of a
26 pharmacist. The circumstances are as follows:

27 a. On or about December 8, 2003, in the Municipal Court, County of Los
28 Angeles, Criminal Judicial District, Case No. BA250351, entitled *The People of the State of*

1 *California v. Sharon Lee Chan*, Respondent was convicted on a plea of nolo contendere to one
2 count of violating Insurance Code section 1871.4(a)(1) (prepared fraudulent document), a felony.

3 b. The circumstances surrounding the conviction are that on or about April
4 26, 2000, Respondent submitted a false claim with the California Department of Insurance for
5 the purpose of obtaining worker's compensation insurance benefits.

6 SECOND CAUSE FOR DISCIPLINE

7 (Knowingly Making or Signing a False Document)

8 11. Respondent is subject to disciplinary action under Business and
9 Professions Code section 4300 and section 4301, subdivisions (f), (g) and (o), on the grounds of
10 unprofessional conduct, in that Respondent made and submitted a false workers' compensation
11 claim, as more fully set forth above in paragraph 10.

12 PRAYER

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

15 A. Revoking or suspending Original Pharmacist License No. RPH 39758,
16 issued to Sharon Lee Chan;

17 B. Ordering Sharon Lee Chan to pay the Board of Pharmacy the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3;

20 C. Taking such other and further action as deemed necessary and proper.

21 DATED: 2/2/04

22
23 P. F. Harris
24 PATRICIA F. HARRIS
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California

Complainant