

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 GREGORY TUSS
Deputy Attorney General
4 State Bar No. 200659
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3435
6 Facsimile: (415) 703-5480
E-mail: Gregory.Tuss@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 Statement of Issues Against: Case No. 7376
13 **WILLIAM NA LUONG** **STATEMENT OF ISSUES**
14 **Pharmacy Technician License Applicant**
15 Respondent.
16

17
18 **PARTIES**

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

22 2. On or about December 20, 2021, the Board received an application for a Pharmacy
23 Technician license from William Na Luong (Respondent). On or about December 17, 2021,
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on July 19, 2022. On or
26 about September 6, 2022, Respondent filed an appeal.
27
28

1 **JURISDICTION**

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

5 4. Section 4300, subdivision (c), of the Code states, in pertinent part:

6 “The board may refuse a license to any applicant guilty of unprofessional conduct.
7 The board may, in its sole discretion, issue a probationary license to any applicant for a
8 license who is guilty of unprofessional conduct and who has met all other requirements for
9 licensure . . .”

10 **STATUTORY PROVISIONS**

11 5. Section 480 of the Code states, in pertinent part:

12 “(a) A board may deny a license regulated by this code on the grounds that the applicant
13 has one of the following:

14 “(1) Been convicted of a crime. . . .

15 . . .

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

18 “(B) The board may deny a license pursuant to this subdivision only if the crime or act is
19 substantially related to the qualifications, functions, or duties of the business or profession for
20 which application is made. . . .”

21 6. Section 4301 of the Code states:

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

25 . . .

26 “(h) The administering to oneself, of any controlled substance, or the use of any dangerous
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
28 oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3 . . .

4 “(l) The conviction of a crime substantially related to the qualifications, functions, and
5 duties of a licensee under this chapter. . . .”

6 **REGULATORY PROVISIONS**

7 7. California Code of Regulations, title 16, section 1769, states:

8 ...

9 “(b) When considering the denial of a facility or personal license under Section 480 of the
10 Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his
11 present eligibility for licensing or registration, will consider the following criteria:

12 “(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for
13 denial.

14 “(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
15 consideration as grounds for denial under Section 480 of the Business and Professions Code.

16 “(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in
17 subdivision (1) or (2).

18 “(4) Whether the applicant has complied with any terms of parole, probation, restitution or
19 any other sanctions lawfully imposed against the applicant.

20 “(5) Evidence, if any, of rehabilitation submitted by the applicant.”

21 8. California Code of Regulations, title 16, section 1770, states:

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

28 ///

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Substantially Related Crime(s))**

3 9. Respondent has subjected his Pharmacy Technician License Application to denial
4 under Code section 480, subdivisions (a)(1) and Code section 480, subdivision (a)(3)(A), by
5 reference to Code section 4301, subdivision (l), for conviction of substantially related crime(s), in
6 that, on or about June 5, 2019, in a criminal matter titled *The People of the State of California v.*
7 *William Luong*, San Mateo County Superior Court Case No. 18-NF-013552-A, Respondent
8 pleaded no contest to, and was convicted of, driving with a blood alcohol concentration of 0.08%
9 or higher (Veh. Code, § 23152, subd. (b)), a misdemeanor. Imposition of sentence was suspended
10 and Respondent was placed on probation for 3 years with terms and conditions including 20 days
11 in jail, driving restrictions, chemical test, First Offender Program, fines and fees. The underlying
12 offense occurred on or about November 11, 2018, when police officers responded at 1:34 a.m. to
13 a major collision injury involving the Respondent. Upon contacting the driver, identified as the
14 Respondent, the officer noted that he displayed objective signs of intoxication. Respondent
15 admitted to having been drinking and was submitted to Standardized Field Sobriety Tests
16 (SFST's) which he performed poorly. Blood was taken from Respondent at approximately 3:05
17 a.m. which showed Respondent's blood alcohol concentration was 0.142%.

18 **SECOND CAUSE FOR DENIAL OF APPLICATION**

19 **(Dangerous Use of Alcohol)**

20 10. Respondent has subjected his Pharmacy Technician License Application to denial
21 under Code section 480, subdivision (a)(3)(A), by reference to Code section 4301, subdivision
22 (h), in that, as detailed in paragraph 9, above, Respondent has made dangerous use of alcohol.

23 **THIRD CAUSE FOR DENIAL OF APPLICATION**

24 **(Unprofessional Conduct)**

25 11. Respondent has subjected his Pharmacy Technician Application to denial under Code
26 section 4300, subdivisions (c), and Code section 480, subdivision (a)(3)(A), by reference to Code
27 section 4301, in that the conduct described above in paragraph 9, constitutes unprofessional
28 conduct unbecoming of the profession of pharmacy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

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

1. Denying the application of Respondent for a Pharmacy Technician license;
2. Taking such other and further action as deemed necessary and proper.

DATED: 11/3/2022

Sodergren,
Anne@DCA
Digitally signed by
Sodergren, Anne@DCA
Date: 2022.11.03
22:09:09 -07'00'

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

SF2022401868/43437382.docx