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

In the Matter of the Statement of Issues Against:

CATHY NGUYEN, Respondent

Pharmacy Technician Registration Applicant

Agency Case No. 7440

OAH No. 2023090420

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the

Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on January 17, 2024.

It is so ORDERED on December 18, 2023.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

Seung W. Oh, Pharm.D. Board President

Ву

1 2 3 4 5 6 7 8 9	ROB BONTA Attorney General of California GREGORY J. SALUTE Supervising Deputy Attorney General MOLLY E. SELWAY Deputy Attorney General State Bar No. 234519 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 738-9082 Facsimile: (619) 645-2031 Attorneys for Complainant BEFOR	ЕТНЕ
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
11	STATE OF CA	ALIFUKNIA
12		
13	In the Matter of the Statement of Issues	Case No. 7440
14	Against:	OAH No. 2023090420
15	CATHY NGUYEN	STIPULATED SETTLEMENT AND
16	Pharmacy Technician Registration	DISCIPLINARY ORDER
17	Applicant	
18	Respondent.	
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20		
21	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-
22	entitled proceedings that the following matters are true:	
23	PART	TIES
24	1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy	
25	(Board). She brought this action solely in her official capacity and is represented in this matter by	
26	Rob Bonta, Attorney General of the State of California, by Molly E. Selway, Deputy Attorney	
27	General.	
28	///	
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		STIPULATED SETTLEMENT (7440)

1	2. Respondent Cathy Nguyen (Respondent) is representing herself in this proceeding		
2	and has chosen not to exercise her right to be represented by counsel.		
3	3. On or about July 27, 2022, Respondent filed an application dated July 13, 2022, with		
4	the Board to obtain a Pharmacy Technician Registration. The Board denied the application on		
5	December 22, 2022.		
6	JURISDICTION		
7	4. Statement of Issues No. 7440 was filed before the Board, and is currently pending		
8	against Respondent. The Statement of Issues and all other statutorily required documents were		
9	properly served on Respondent on May 12, 2023.		
10	5. A copy of Statement of Issues No. 7440 is attached as exhibit A and incorporated		
11	herein by reference.		
12	ADVISEMENT AND WAIVERS		
13	6. Respondent has carefully read, and understands the charges and allegations in		
14	Statement of Issues No. 7440. Respondent has also carefully read, and understands the effects of		
15	this Stipulated Settlement and Disciplinary Order.		
16	7. Respondent is fully aware of her legal rights in this matter, including the right to a		
17	hearing on the charges and allegations in the Statement of Issues; the right to be represented by		
18	counsel at her own expense; the right to confront and cross-examine the witnesses against her; the		
19	right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas		
20	to compel the attendance of witnesses and the production of documents; the right to		
21	reconsideration and court review of an adverse decision; and all other rights accorded by the		
22	California Administrative Procedure Act and other applicable laws.		
23	8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and		
24	every right set forth above.		
25	<u>CULPABILITY</u>		
26	9. Respondent admits the truth of each and every charge and allegation in Statement of		
27	Issues No. 7440.		
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	STIPULATED SETTLEMENT (7440)		

10. Respondent agrees that her Pharmacy Technician Registration is subject to denial and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 5 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 6 communicate directly with the Board regarding this stipulation and settlement, without notice to 7 8 or participation by Respondent. By signing the stipulation, Respondent understands and agrees 9 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and 10 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for 11 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall 12 not be disqualified from further action by having considered this matter. 13

14 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
16 signatures thereto, shall have the same force and effect as the originals.

17 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
integrated writing representing the complete, final, and exclusive embodiment of their agreement.
It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
writing executed by an authorized representative of each of the parties.

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

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1	DISCIPLINARY ORDER	
2	IT IS HEREBY ORDERED that upon satisfaction of statutory and regulatory requirements	
3	for issuance thereof, a Pharmacy Technician Registration shall be issued to Respondent Cathy	
4	Nguyen. Said registration shall be publically reproved by the Board of Pharmacy under Business	
5	and Professions Code section 495 in resolution of Statement of Issues No. 7440, attached as	
6	exhibit A.	
7	ACCEPTANCE	
8	I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the	
9	stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this	
10	Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree	
11	to be bound by the Decision and Order of the Board of Pharmacy.	
12		
13	DATED:	
14	CATHY NGUYEN Respondent	
15	<u>ENDORSEMENT</u>	
16	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
17	submitted for consideration by the Board of Pharmacy.	
18		
19	DATED: Respectfully submitted,	
20	ROB BONTA Attorney General of California	
21	GREGORY J. SALUTE Supervising Deputy Attorney General	
22		
23	Molly E. Selway	
24	Deputy Attorney General Attorneys for Complainant	
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	STIPULATED SETTLEMENT (7440)	

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11	to be bound by the Decision and Order of the Board of Pharmacy.	
12	Ω_{1}	
13	DATED: $\frac{11/2}{23}$ CATHY NGLYEN	
14	CATHY NGUYEN Respondent	
15	ENDORSEMENT	
16	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
17	submitted for consideration by the Board of Pharmacy.	
18	DATED: 11/2/2023 Respectfully submitted,	
19		
20	ROB BONTA Attorney General of California	
21	GREGORY J. SALUTE Supervising Deputy Attorney General	
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23	Molly E. Selway	
24	Deputy Attorney General Attorneys for Complainant	
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	STIPULATED SETTLEMENT (7440)	

Exhibit A

Statement of Issues No. 7440

1 2 3 4 5 6 7 8 9	ROB BONTA Attorney General of California GREGORY J. SALUTE Supervising Deputy Attorney General MOLLY E. SELWAY Deputy Attorney General State Bar No. 234519 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 738-9082 Facsimile: (619) 645-2031 Attorneys for Complainant BEFOR BOARD OF H	
10	DEPARTMENT OF C	ONSUMER AFFAIRS
11	STATE OF C.	ALIFORNIA
12		
13	In the Matter of the Statement of Issues Against:	Case No. 7440
14	CATHY NGUYEN	
15		STATEMENT OF ISSUES
16	Pharmacy Technician Registration Applicant	
17	Respondent.	
18		
19 20		
20	PAR	ΓΙΕ
21		s this Statement of Issues solely in her official
22	capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer	
23 24	Affairs.	
24 25	 On or about July 27, 2022, the Board received an application for a Pharmacy 	
	Technician Registration from Cathy Nguyen (Respondent). On or about July 13, 2022, Cathy	
26 27	Nguyen certified under penalty of perjury to the truthfulness of all statements, answers, and	
27	representations in the application. The Board den	
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	1	STATEMENT OF ISSUES
I	I	STATEMENT OF ISSUES

	JURISDICTION	
	3. This Statement of Issues is brought before the Board, under the authority of the	
foll	owing laws. All section references are to the Business and Professions Code (Code) unless	
oth	erwise indicated.	
	STATUTORY PROVISIONS	
4.	Section 480 of the Code states:	
	(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:	
	(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of	
	application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or	
substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary		
action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.		
	5. Section 4300, subdivision (c) of the Code states:	
	(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all	
	other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:	
	(1) Medical or psychiatric evaluation.	
	(2) Continuing medical or psychiatric treatment.	
	(3) Restriction of type or circumstances of practice.	
	(4) Continuing participation in a board-approved rehabilitation program.	
	(5) Abstention from the use of alcohol or drugs.	
	(6) Random fluid testing for alcohol or drugs.	
	(7) Compliance with laws and regulations governing the practice of pharmacy	
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	STATEMENT OF ISSUE	

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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 includes, but is not limited to, any of the following:

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

FACTUAL ALLEGATIONS

9 7. On May 22, 2018, a deputy with the San Diego County Sheriff's Department (SDCSD) was dispatched to investigate a theft that occurred at a Target retail store in Poway, 10 California. It was reported that on May 20, 2018, at approximately 4:48 p.m., Respondent, who 11 was subsequently identified as the suspect, entered Target and selected several liquor bottles, 12 valued at approximately \$1,807.48, which she placed in her shopping cart and concealed with two 13 14 pillows. Respondent then exited the store without paying for the merchandise. Target's loss prevention officer provided the SDCSD deputy with video surveillance, photos, and a copy of his 15 report. 16

8. On June 7, 2018, a SDCSD deputy was dispatched to investigate a theft that occurred 17 at the same Target retail store. It was reported that on June 4, 2018, at approximately 2:00 p.m., 18 Respondent entered Target and selected several liquor bottles, valued at approximately \$1,421.67, 19 which she placed in her shopping cart and concealed with two pillows. Respondent then exited 20the store without paying for the merchandise. Target's loss prevention officer recognized 21 Respondent from a prior theft; however, she was not detained or identified during this occurrence. 22 Target's loss prevention officer provided the SDCSD deputy with video surveillance, photos, and 23 a copy of his report. 24

9. On June 13, 2018, at approximately 5:35 p.m., Respondent entered the same Target
retail store and selected several liquor bottles, valued at approximately \$932.73, which she placed
in her shopping cart and concealed with pillows. Target's loss prevention officer was alerted
when Respondent entered the liquor aisle, immediately recognized her from previous recent

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1	thefts, and contacted the SDCSD while Respondent was still in the store. Prior to exiting the	
2	store, Respondent noticed the loss prevention officer waiting at the front door. Respondent	
3	returned to the liquor aisle and placed the alcohol back on the shelves. Respondent then	
4	proceeded to exit the store where she was contacted by SDCSD deputies. Respondent was	
5	arrested for the two previous thefts (Pen. Code, § 459 (burglary)), and her current shoplifting	
6	attempt (Pen. Code, § 459.5).	
7	10. Subsequently, on June 21, 2018, in a criminal proceeding titled <i>People of the State of</i>	
8	California v. Cathy Nguyen, in San Diego County Superior Court, case number CD277356,	
9	Respondent was charged with three felony counts of violating Penal Code section 487,	
10	subdivision (a), grand theft. On or about August 14, 2018, Respondent plead guilty to, and was	
11	convicted of, violating Penal Code section 487 (a), Grand Theft. On or about April 20, 2021, the	
12	conviction was dismissed pursuant to Penal Code sections 1203.4 and 1203.4a.	
13	11. On or about April 24, 2019, in the case titled, In the Matter of the Accusation Against	
14	Cathy Nguyen, Case No. 6573, Respondent surrendered her Pharmacy Technician Registration	
15	based upon the conducted set forth in paragraphs 7-10 above.	
16	FIRST CAUSE FOR DENIAL OF APPLICATION	
17	(Prior Discipline)	
18	12. Respondent's application is subject to denial under Code section 480, subdivision	
19	(a)(2) and Code section 4300, subdivision (c), in that Respondent was formally disciplined by the	
20	Board based on professional misconduct, as set forth in paragraphs 7-11 above, incorporated	
21	herein.	
22	SECOND CAUSE FOR DENIAL OF APPLICATION	
23	(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud or Deceit)	
24	13. Respondent's application is subject to denial under Code section 4300, subdivision (c)	
25	and Code section 4301, subdivision (f), for unprofessional conduct in that she committed acts of	
26	moral turpitude, dishonesty and deceit, as described in paragraphs 7-11, above, incorporated	
27	herein.	
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	STATEMENT OF ISSUES	

1			<u>PRAYER</u>
2	WHI	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that fo	and that following the hearing, the Board of Pharmacy issue a decision:	
4	1.	Denying the application	on of Cathy Nguyen for a Pharmacy Technician Registration;
5	and		
6	2.	Taking such other and	l further action as deemed necessary and proper.
7			Sodergren, Digitally signed by Sodergren, Anne@DCA
8	DATED:	5/8/2023	Anne@DCA Date: 2023.05.08 07:41:45 -07'00'
9			ANNE SODERGREN Executive Officer
10			Board of Pharmacy Department of Consumer Affairs State of California
11			Complainant
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			5 STATEMENT OF ISSUES