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

13 In the Matter of the Statement of Issues  
Against:

14 **CATHY NGUYEN**

15  
16 **Pharmacy Technician Registration**  
**Applicant**

17 Respondent.

Case No. 7440

**STATEMENT OF ISSUES**

18  
19  
20  
21 **PARTIES**

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

25 2. On or about July 27, 2022, the Board received an application for a Pharmacy  
26 Technician Registration from Cathy Nguyen (Respondent). On or about July 13, 2022, Cathy  
27 Nguyen certified under penalty of perjury to the truthfulness of all statements, answers, and  
28 representations in the application. The Board denied the application on December 22, 2022.

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 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code states:

7 (a) Notwithstanding any other provision of this code, a board may deny a  
8 license regulated by this code on the grounds that the applicant has been convicted of  
9 a crime or has been subject to formal discipline only if either of the following  
10 conditions are met:

11 . . .

12 (2) The applicant has been subjected to formal discipline by a licensing  
13 board in or outside California within the preceding seven years from the date of  
14 application based on professional misconduct that would have been cause for  
15 discipline before the board for which the present application is made and that is  
16 substantially related to the qualifications, functions, or duties of the business or  
17 profession for which the present application is made. However, prior disciplinary  
18 action by a licensing board within the preceding seven years shall not be the basis for  
19 denial of a license if the basis for that disciplinary action was a conviction that has  
20 been dismissed pursuant to Section 1203.4 , 1203.4a , 1203.41 , or 1203.42 of the  
21 Penal Code or a comparable dismissal or expungement.

22 5. Section 4300, subdivision (c) of the Code states:

23 . . .

24 (c) The board may refuse a license to any applicant guilty of unprofessional  
25 conduct. The board may, in its sole discretion, issue a probationary license to any  
26 applicant for a license who is guilty of unprofessional conduct and who has met all  
27 other requirements for licensure. The board may issue the license subject to any  
28 terms or conditions not contrary to public policy, including, but not limited to, the  
following:

- 29 (1) Medical or psychiatric evaluation.
- 30 (2) Continuing medical or psychiatric treatment.
- 31 (3) Restriction of type or circumstances of practice.
- 32 (4) Continuing participation in a board-approved rehabilitation program.
- 33 (5) Abstention from the use of alcohol or drugs.
- 34 (6) Random fluid testing for alcohol or drugs.
- 35 (7) Compliance with laws and regulations governing the practice of pharmacy



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 *People of the State of*  
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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**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 Cathy Nguyen for a Pharmacy Technician Registration;
- and
2. Taking such other and further action as deemed necessary and proper.

DATED: 5/8/2023

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2023.05.08 07:41:45  
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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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