

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

In the Matter of the Statement of Issues  
Against:

**MICHAEL HUY PHAM**  
6788 Etiwanda Ave.  
Rancho Cucamonga, CA 91739

**Intern Pharmacist Registration**

Respondent.

Case No. 6625

OAH No. 2019041033

**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 November 14, 2019.

It is so ORDERED on October 15, 2019.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board Vice President (Acting President)

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 STEPHANIE J. LEE  
Deputy Attorney General  
4 State Bar No. 279733  
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5 Los Angeles, CA 90013  
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*Attorneys for Complainant*  
7

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

12 In the Matter of the Statement of Issues  
Against:  
13 **MICHAEL HUY PHAM**  
6788 Etiwanda Ave.  
14 Rancho Cucamonga, CA 91739  
15 **Intern Pharmacist Registration**  
16 Respondent.

Case No. 6625

OAH No. 2019041033

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of  
22 Pharmacy (Board). She brought this action solely in her official capacity and is represented in  
23 this matter by Xavier Becerra, Attorney General of the State of California, by Stephanie J. Lee,  
24 Deputy Attorney General.

25 2. Respondent Michael Huy Pham (Respondent) is represented in this proceeding by  
26 attorney Luis Andre Vizcocho R.Ph., J.D., whose address is: 49 Discovery, Suite 240,  
27 Irvine, CA 92618-6713.

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1           3.     On or about August 8, 2018, Respondent filed an application dated July 26, 2018,  
2 with the Board to obtain an Intern Pharmacist Registration.

3                                               **JURISDICTION**

4           4.     Statement of Issues No. 6625 was filed before the Board, and is currently pending  
5 against Respondent. The Statement of Issues and all other statutorily required documents were  
6 properly served on Respondent on April 11, 2019. A copy of Statement of Issues No. 6625 is  
7 attached as exhibit A and incorporated herein by reference.

8                                               **ADVISEMENT AND WAIVERS**

9           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
10 charges and allegations in Statement of Issues No. 6625. Respondent has also carefully read,  
11 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
12 Disciplinary Order.

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

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

21                                               **CULPABILITY**

22          8.     Respondent admits the truth of each and every charge and allegation in Statement of  
23 Issues No. 6625.

24          9.     Respondent agrees that his Intern Pharmacist Registration is subject to denial and he  
25 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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**CONTINGENCY**

1  
2           10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
4 communicate directly with the Board regarding this stipulation and settlement, without notice to  
5 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
6 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
7 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
8 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
9 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
10 and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

23 ///

24 ///

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that upon satisfaction of statutory and regulatory requirements  
3 for issuance thereof, an Intern Pharmacist Registration shall be issued to Respondent Michael  
4 Huy Pham and shall be immediately revoked. The revocation shall be stayed and Respondent  
5 placed on five (5) years probation (unless extended) on the following terms and conditions.

6 IT IS FURTHER HEREBY ORDERED that, should Respondent Michael Huy Pham  
7 subsequently be issued a Pharmacist License by the Board, any remaining probation period shall  
8 apply to that Pharmacist License. That is, upon satisfaction of statutory and regulatory  
9 requirements for issuance thereof, a Pharmacist License shall be issued to Respondent Michael  
10 Huy Pham and shall be immediately revoked, with the revocation stayed and Respondent placed  
11 on probation for the remainder of the five (5) years originally ordered (plus any extensions), on  
12 the following terms and conditions.

13 **1. Obey All Laws**

14 Respondent shall obey all state and federal laws and regulations.

15 Respondent shall report any of the following occurrences to the Board, in writing, within  
16 seventy- two (72) hours of such occurrence:

- 17 • an arrest or issuance of a criminal complaint for violation of any provision of the  
18 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
19 substances laws
- 20 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
21 criminal proceeding to any criminal complaint, information or indictment
- 22 • a conviction of any crime
- 23 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
24 administrative action filed by any state or federal agency which involves respondent's  
25 license or which is related to the practice of pharmacy or the manufacturing, obtaining,  
26 handling, distributing, billing, or charging for any drug, device or controlled substance.

27 Failure to timely report such occurrence shall be considered a violation of probation.

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1           **2. Report to the Board**

2           Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
3           designee. The report shall be made either in person or in writing, as directed. Among other  
4           requirements, respondent shall state in each report under penalty of perjury whether there has  
5           been compliance with all the terms and conditions of probation.

6           Failure to submit timely reports in a form as directed shall be considered a violation of  
7           probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
8           total period of probation. Moreover, if the final probation report is not made as directed,  
9           probation shall be automatically extended until such time as the final report is made and accepted  
10          by the Board.

11          **3. Interview with the Board**

12          Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
13          with the Board or its designee, at such intervals and locations as are determined by the Board or  
14          its designee. Failure to appear for any scheduled interview without prior notification to Board  
15          staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
16          during the period of probation, shall be considered a violation of probation.

17          **4. Cooperate with Board Staff**

18          Respondent shall timely cooperate with the Board's inspection program and with the  
19          Board's monitoring and investigation of respondent's compliance with the terms and conditions of  
20          his probation, including but not limited to: timely responses to requests for information by Board  
21          staff; timely compliance with directives from Board staff regarding requirements of any term or  
22          condition of probation; and timely completion of documentation pertaining to a term or condition  
23          of probation. Failure to timely cooperate shall be considered a violation of probation.

24          **5. Continuing Education**

25          Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
26          pharmacist as directed by the Board or its designee.

27          ///

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1           **6. Reporting of Employment and Notice to Employers**

2           During the period of probation, respondent shall notify all present and prospective  
3 employers of the decision in case number 6625 and the terms, conditions and restrictions imposed  
4 on respondent by the decision, as follows:

5           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
6 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)  
7 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
8 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
9 Board in writing acknowledging that the listed individual(s) has/have read the decision in case  
10 number 6625, and terms and conditions imposed thereby. If one person serves in more than one  
11 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be Respondent's  
12 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the  
13 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
14 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in  
15 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
16 in case number 6625, and the terms and conditions imposed thereby.

17           If Respondent works for or is employed by or through an employment service, Respondent  
18 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board  
19 of the decision in case number 6625, and the terms and conditions imposed thereby in advance of  
20 respondent commencing work at such licensed entity. A record of this notification must be  
21 provided to the Board upon request.

22           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
23 (15) days of respondent undertaking any new employment by or through an employment service,  
24 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
25 service to report to the Board in writing acknowledging that he or she has read the decision in  
26 case number, and the terms and conditions imposed thereby. It shall be Respondent's  
27 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

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1 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board  
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,  
5 temporary, relief, or employment/management service position as an intern  
6 pharmacist/pharmacist, or any position for which an intern pharmacist/pharmacist is a  
7 requirement or criterion for employment, whether the respondent is an employee, independent  
8 contractor or volunteer.

9 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

10 Respondent shall further notify the Board in writing within ten (10) days of any change in  
11 name, residence address, mailing address, e-mail address or phone number.

12 Failure to timely notify the Board of any change in employer, name, address, or phone  
13 number shall be considered a violation of probation.

14 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as  
15 Designated Representative-in-Charge, or Serving as a Consultant**

16 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
17 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the  
18 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
19 unauthorized supervision responsibilities shall be considered a violation of probation.

20 **9. Probation Monitoring Costs**

21 Respondent shall pay any costs associated with probation monitoring as determined by the  
22 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
23 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
24 shall be considered a violation of probation.

25 **10. Status of License**

26 Respondent shall, at all times while on probation, maintain an active, current license with  
27 the Board, including any period during which suspension or probation is tolled. Failure to  
28 maintain an active, current license shall be considered a violation of probation.



1           If Respondent's Intern Pharmacist Registration/Pharmacist License expires or is cancelled  
2 by operation of law or otherwise at any time during the period of probation, including any  
3 extensions thereof due to tolling or otherwise, upon renewal or reapplication Respondent's license  
4 shall be subject to all terms and conditions of this probation not previously satisfied.

5           **11. License Surrender While on Probation/Suspension**

6           Following the effective date of this decision, should Respondent cease practice due to  
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
8 respondent may relinquish his license, including any indicia of licensure issued by the Board,  
9 along with a request to surrender the license. The Board or its designee shall have the discretion  
10 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
11 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
12 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
13 become a part of the Respondent's license history with the Board.

14           Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall  
15 license, including any indicia of licensure not previously provided to the Board within ten (10)  
16 days of notification by the Board that the surrender is accepted if not already provided.  
17 Respondent may not reapply for any license from the Board for three (3) years from the effective  
18 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
19 of the date the application for that license is submitted to the Board, including any outstanding  
20 costs.

21           **12. Practice Requirement – Extension of Probation**

22           Except during periods of suspension, Respondent shall, at all times while on probation,  
23 starting in January 2020, be employed as an intern pharmacist in California for a minimum of ten  
24 (10) hours per calendar month. If he holds a pharmacist license, Respondent shall be employed  
25 as a pharmacist in California for a minimum of sixty (60) hours per month.

26           Any month during which this minimum is not met shall toll the period of probation, i.e. the  
27 period of probation is extended by one month for each month in which the minimum is not met.

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1 During any such period of tolling, Respondent must nonetheless comply with all terms and  
2 conditions of probation.

3 If Respondent does not practice as an intern pharmacist/pharmacist in California for the  
4 minimum number of hours in any calendar month, for any reason (including vacation),  
5 Respondent shall notify the Board in writing within ten (10) days of the conclusion of that  
6 calendar month. This notification shall include at least: the date(s), location(s), and hours of last  
7 practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on  
8 which respondent will resume practice at the required level. Respondent shall further notify the  
9 Board in writing within ten (10) days following the next calendar month during which respondent  
10 practices as an intern pharmacist/pharmacist in California for the minimum of hours. Any failure  
11 to timely provide such notification(s) shall be considered a violation of probation.

12 It is a violation of probation for respondent's probation to be extended pursuant to the  
13 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
14 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended  
15 probation period on its website.

16 "Cessation of practice" means any calendar month during which Respondent is not  
17 practicing as an intern pharmacist or pharmacist as defined by Business and Professions Code  
18 sections 4000 et seq. for the applicable minimum number of hours. "Resumption of practice"  
19 means any calendar month during which Respondent is practicing as an intern pharmacist or  
20 pharmacist as defined by Business and Professions Code sections 400 et seq. for the applicable  
21 minimum number of hours.

### 22 13. **Violation of Probation**

23 If Respondent has not complied with any term or condition of probation, the Board shall  
24 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent  
25 that probation shall automatically be extended, until all terms and conditions have been satisfied  
26 or the Board has taken other action as deemed appropriate to treat the failure to comply as a  
27 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
28 Board or its designee may post a notice of the extended probation period on its website.

1           If Respondent violates probation in any respect, the Board, after giving Respondent notice  
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
3 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
4 probation, or the preparation of an accusation or petition to revoke probation is requested from  
5 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of  
6 probation shall be automatically extended until the petition to revoke probation or accusation is  
7 heard and decided.

8           **14. Completion of Probation**

9           Upon written notice by the Board or its designee indicating successful completion of  
10 probation, Respondent's license will be fully restored.

11           **15. Community Services Program**

12           Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
13 Board or its designee, for prior approval, a community service program in which Respondent  
14 shall provide free health-care related services on a regular basis to a community or charitable  
15 facility or agency for at least 10 hours per year for the first five (5) years of probation. Within  
16 thirty (30) days of Board approval thereof, respondent shall submit documentation to the Board or  
17 its designee demonstrating commencement of the community service program. Respondent shall  
18 report on progress with the community service program in the quarterly reports and provide  
19 satisfactory documentary evidence of such progress to the Board or its designee upon request.  
20 Failure to timely submit, commence, or comply with the program shall be considered a violation  
21 of probation.

22           **16. Ethics Course**

23           During the first year of licensure as a Pharmacist, Respondent shall enroll in and  
24 successfully complete a course in ethics, at Respondent's expense, approved in advance by the  
25 Board or its designee that complies with Title 16 California Code of Regulations section 1773.5.  
26 Respondent shall provide proof of enrollment upon request. Within five (5) days of completion,  
27 Respondent shall submit a copy of the certificate of completion to the Board or its designee.  
28 Failure to timely enroll in an approved ethics course, to initiate and successfully complete the

1 course during the first year of Pharmacist licensure, or to timely submit proof of completion to the  
2 board or its designee, shall be considered a violation of probation.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney, Luis Andre Vizcocho. I understand the stipulation and the effect it  
6 will have on my Intern Pharmacist Registration/Pharmacist License. I enter into this Stipulated  
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
8 bound by the Decision and Order of the Board of Pharmacy.

9  
10 DATED: \_\_\_\_\_  
11 MICHAEL HUY PHAM  
12 *Respondent*

13 I have read and fully discussed with Respondent Michael Huy Pham the terms and  
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
15 I approve its form and content.

16 DATED: \_\_\_\_\_  
17 LUIS ANDRE VIZCOCHO  
18 *Attorney for Respondent*

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1 course during the first year of Pharmacist licensure, or to timely submit proof of completion to the  
2 board or its designee, shall be considered a violation of probation.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney, Luis Andre Vizcocho. I understand the stipulation and the effect it  
6 will have on my Intern Pharmacist Registration/Pharmacist License. I enter into this Stipulated  
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
8 bound by the Decision and Order of the Board of Pharmacy.

9  
10 DATED: 8/9/19   
11 MICHAEL HUY PHAM  
Respondent

12 I have read and fully discussed with Respondent Michael Huy Pham the terms and  
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
14 I approve its form and content.

15 DATED: 8/09/2019   
16 LUIS ANDRE VIZCOCHO  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 8/9/19

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



STEPHANIE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 6625**

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 STEPHANIE J. LEE  
Deputy Attorney General  
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*Attorneys for Complainant*  
7

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12 In the Matter of the Statement of Issues  
Against:

Case No. 6625

13  
14 **MICHAEL HUY PHAM**  
15 **Intern Pharmacist Registration Applicant**  
16 Respondent.  
17

**STATEMENT OF ISSUES**

18  
19 **PARTIES**

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

23 2. On or about August 8, 2018, the Board received an application for an Intern  
24 Pharmacist Registration from Michael Huy Pham (Respondent). On or about July 26, 2018,  
25 Michael Huy Pham certified under penalty of perjury to the truthfulness of all statements,  
26 answers, and representations in the application. The Board denied the application on December  
27 11, 2018.

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 **STATUTORY PROVISIONS**

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

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

9 ...  
10 (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
substantially benefit himself or herself or another, or substantially injure another.

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

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

14  
15 5. Section 4301 of the Code states, in pertinent part:

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

18 ...  
19 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
20 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.

21 ...  
22 (p) Actions or conduct that would have warranted denial of a license.

23 **REGULATORY PROVISIONS**

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

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

STATEMENT OF FACTS

1.  
2           7.     On or about July 24, 2001, a San Bernardino County Sheriff's Department deputy  
3 was assigned to investigate multiple online purchase orders that had been placed with a clothing  
4 retailer using stolen credit card information. On July 31, 2001, the deputy executed a search  
5 warrant on Respondent's residence. The deputy found multiple clothing items that had been  
6 fraudulently purchased with stolen credit card information, as well as computers containing the  
7 stolen credit card numbers, account owner names, and addresses. Respondent showed the deputy  
8 several items of clothing that had been fraudulently purchased and admitted he knew they were  
9 stolen. On or about December 11, 2001, Respondent was convicted of one felony count of  
10 violating Penal Code section 496(a) [receipt/possession of stolen property, value exceeded \$400]  
11 in a criminal proceeding entitled *The People of the State of California v. Michael Huy Pham*  
12 (Super. Ct. San Bernardino County, 2001, No. FWV023781). On or about January 11, 2002, the  
13 court sentenced Respondent to serve 165 days in jail and placed him on three (3) years probation  
14 with terms and conditions, including restitution. On or about June 15, 2012, the court granted the  
15 Respondent's petition for a change of plea and dismissal of the conviction pursuant to Penal Code  
16 section 1203.4.

17           8.     On or about April 30, 2008, San Bernardino Sheriff's Department deputies responded  
18 to a call regarding a suspicious male and vehicle parked outside the Respondent's residence.  
19 During the investigation, deputies spoke with Respondent's friend who was seated in the driver's  
20 seat. A consent search of the vehicle resulted in the discovery of a duffel bag containing  
21 approximately 16.6 grams of marijuana, 72 methylenedioxymethamphetamine (ecstasy) pills, and  
22 122 new small clear ziplock baggies. Respondent came out of his residence and spontaneously  
23 admitted that the duffel bag and all the illegal drugs belonged to him. Respondent admitted that  
24 he collects money from his friends and contributes his own money to purchase drugs so that he  
25 can later divide and distribute the drugs amongst his friends. On or about August 25, 2008,  
26 Respondent was convicted of one felony count of violating Health and Safety Code section 11359  
27 [possession of marijuana for sale] in a criminal proceeding entitled *The People of the State of*  
28 *California v. Michael Huy Pham* (Super. Ct. San Bernardino County, 2008, No. FWV801758).

1 On or about September 25, 2008, the court sentenced Respondent to serve 120 days in jail and  
2 placed him on three (3) years probation with terms and conditions. On or about June 15, 2012,  
3 the court granted the Respondent's petition for a change of plea and dismissal of the conviction  
4 pursuant to Penal Code section 1203.4.

5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **(Acts Warranting Denial of Licensure)**

7 9. Respondent's application is subject to denial under Code sections 4301, subdivision  
8 (p), and 480, subdivisions (a)(3)(A) and (a)(3)(B), in conjunction with California Code of  
9 Regulations, title 16, section 1770, in that Respondent committed acts which, if done by a  
10 licentiate of the business and profession, would be grounds for suspension or revocation of his  
11 license. Complainant refers to, and by this reference incorporates, the allegations set forth above  
12 in paragraphs 8 through 9, as though set forth fully.

13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 **(Acts Involving Dishonesty, Fraud, or Deceit)**

15 10. Respondent's application is subject to denial under Code sections 480(a)(2) and  
16 4301(f), in that on or about July 24, 2001, Respondent committed an act involving dishonesty,  
17 fraud, or deceit with the intent to substantially benefit himself. Complainant refers to and by this  
18 reference incorporates the allegations set forth above in paragraph 8, as though set forth fully.

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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 issue a decision:

1. Denying the application of Michael Huy Pham for an Intern Pharmacist Registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: April 5, 2019



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

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