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

In the Matter of the Petition to Revoke Probation Against: CHARLENE ANN KONO (aka CHARLENE ANN WOO) Sacramento, CA 95831 Pharmacist License No. RPH 37551 Respondent.	Case No. 2966 OAH No. N2006090646

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This decision shall become effective on June 20, 2007.

It is so ORDERED on May 21, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By William Powers
WILLIAM POWERS
Board President

BEFORE THE
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In the Matter of the Petition to Revoke Probation Against: CHARLENE ANN KONO (aka CHARLENE ANN WOO) Sacramento, CA 95831 Pharmacist License No. RPH 37551 Respondent.	Case No. 2966 OAH No. N2006090646

PROPOSED DECISION

This matter was heard by Karen J. Brandt, Administrative Law Judge, Office of Administrative Hearings, State of California, on February 6 and 7 and April 10, 2007, in Sacramento, California.

Jessica M. Amgwerd, Deputy Attorney General, represented Patricia F. Harris (complainant), Executive Officer of the Board of Pharmacy (Board).

Charlene Ann Kono, aka Charlene Ann Woo, (respondent) was present and was represented by Gregory P. Matzen, Attorney at Law.

Evidence was received, the record was closed, and the matter was submitted on April 10, 2007.

AMENDMENT

This matter was originally designated as an "Accusation and Petition to Revoke Probation." At hearing, the term "Accusation" was stricken from the caption. In addition, line 23, on page 4 of the Petition was amended to read: "3. Term 16, requiring her to undergo a Board-appointed or Board-approved psychiatric evaluation."

FACTUAL FINDINGS

1. On March 25, 1983, the Board issued Pharmacist License RPH No. 37551 to respondent. The Board suspended that license on May 27, 2003. Respondent's license expired on April 30, 2006.

2. On or about July 30, 1999, the Board filed Accusation No. 2210-B (Accusation) against respondent. The Accusation alleged that, from March 1996 through April 1998, while respondent's husband, Joseph Woo, was employed as a pharmacist, respondent aided and abetted the violation of the pharmacy laws when she had her husband obtain and furnish dangerous drugs to her without having lawful prescriptions or authorization. On January 13, 2000, respondent signed a Stipulation, Decision and Order (Stipulation). On June 30, 2000, the Board adopted the Stipulation as its decision, effective July 29, 2000.

3. In the Stipulation, respondent, solely for the purposes of that proceeding and any subsequent proceedings before the Board, admitted the truth of the factual allegations contained in the Accusation. Pursuant to the Stipulation, respondent's license was revoked, but the revocation was stayed and respondent was placed on probation for three years, subject to various terms and conditions, including:

> 2. REPORTING TO THE BOARD: Respondent shall report to the Board or its designee quarterly. The report shall be made either in person or in writing, as directed. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made.
>
> [¶]...[¶]
>
> 15. EXAMINATION: Respondent shall take and pass the pharmacist licensure examination as scheduled by the Board after the effective date of this decision. If respondent fails the examination or fails to take the examination, respondent shall be suspended, upon written notice. Respondent shall not resume the practice of pharmacy until she takes and passes the same section(s) at a subsequent examination and is notified, in writing, she has passed the examination. Once respondent passes the pharmacist licensure examination, her license will be placed on probation for three (3) years as set forth in this decision.
>
> [¶]...[¶]

16. PSYCHIATRIC EVALUATION: Within thirty (30) days of the effective date of this decision, and on a periodic basis as may be required by the Board or its designee, respondent shall undergo, at her own expense, psychiatric evaluation by a Board-appointed or Board-approved psychiatrist or psychotherapist. Respondent shall sign a release which authorizes the evaluator to furnish the Board a current diagnosis and written report regarding the respondent's judgment and ability to function independently as a pharmacist with safety to the public.

If the psychiatrist or psychotherapist recommends and the Board or its designee directs respondent to undergo psychotherapy, respondent shall, within thirty (30) days of written notice of the need for psychotherapy, submit to the Board or its designee for its prior approval, the recommended program for ongoing psychotherapeutic care. Respondent shall undergo and continue psychotherapy, at respondent's own expense, until further notice from the Board. Respondent shall have the treating psychotherapist submit quarterly reports to the Board or its designee.

4. On August 8, 2000, respondent and Roger Miller, respondent's then counsel, attended an initial probation office conference. During that conference, respondent acknowledged that she had received the Stipulation. Mr. Miller asserted that respondent contested the validity of the Stipulation. He advised respondent not to sign a declaration acknowledging that she understood the terms and conditions of the Stipulation.

5. Respondent filed a petition for writ of mandate in the Sacramento Superior Court to rescind the Stipulation, arguing that her consent to the Stipulation was given by mistake or through fraud on the part of her counsel. By letter dated August 15, 2000, Maureen McKennan Strumpfer, the Deputy Attorney General who represented the Board during the settlement negotiations, agreed that two of the terms of probation set forth in the Stipulation would be stayed until the court issued its decision on respondent's writ. The two terms that were stayed by this agreement were Term 9, which required respondent to reimburse the Board's costs in the amount of $4,000, and Term 16, which required respondent to undergo the psychiatric evaluation.

6. On November 21, 2000, the Sacramento Superior Court issued a Statement of Decision on Petition for Writ of Mandate, which denied respondent's writ petition, finding that respondent did not have proper grounds to rescind the Stipulation. On December 15, 2000, the court entered judgment denying respondent's writ petition. On December 28, 2000, Ms. Strumpfer caused notice of entry of judgment to be served upon Mr. Miller. Respondent did not appeal from the court's judgment denying her request to rescind the

Stipulation. After the court issued its judgment, respondent did not file a motion asking the Board to reconsider or terminate any of the terms or conditions of the Stipulation.

7. Susan Cappello is currently the Enforcement Coordinator for the Board. On March 1, 2001, when she was an Enforcement Analyst, Ms. Cappello sent a letter by regular first class mail to respondent at her home address of record. That letter advised respondent that a review of her probation file indicated that she was non-compliant with four of the terms of her probation: Term 2 (quarterly reporting), Term 9 (reimbursement of Board costs); Term 15 (pharmacist licensure examination), and Term 16 (psychiatric evaluation). The May 1, 2001 letter notified respondent that she was "required to make 20 monthly payments of $200 beginning August 29, 2000, to reimburse" the Board's costs. The March 1, 2001 letter also advised respondent that she was required to comply with each of the terms and conditions of her probation and that her failure to do so would result in further action by the Board.

8. On May 28, 2003, Ms. Cappello sent a letter by regular first class mail to respondent at her home address of record. That letter advised respondent that a review of her probation file indicated that she was non-compliant with Term 15 of her Stipulation. The letter incorrectly stated that Term 15 required respondent to take and pass the law section of the pharmacist licensure examination. Term 15 of the Stipulation actually required respondent to take and pass the entire pharmacist licensure examination. The May 28, 2003 letter notified respondent that she was suspended from the practice of pharmacy, and that she could not resume the practice of pharmacy until after she had taken and been informed by the Board that she had passed the law section of pharmacist licensure examination. The letter also advised respondent that she was required to comply with each of the terms and conditions of her probation and that her failure to do so would result in further action by the Board.

9. Ms. Cappello did not send either the March 1, 2001 letter or the May 28, 2003 letter by certified mail.[1] Neither letter was returned to Ms. Cappello by the post office as undeliverable. Ms. Cappello did not receive any response from respondent or her counsel to either of the two letters. Ms. Cappello did not contact respondent after sending either of the letters to determine whether respondent had received and understood them. According to Ms. Cappello, because of the press of other work, respondent's probation file "fell through the cracks" until Ms. Cappello conducted an investigation in October 2005.

10. At hearing, respondent asserted that she did not receive either the March 1, 2001 or the May 28, 2003 letter. According to respondent, if she had received these letters, she would have given them to Richard Antoine, her attorney at the time, whom she had retained to file a motion for reconsideration with the Board. Mr. Antoine confirmed that he did not receive either of these letters from respondent.

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[1] Sometime after May 28, 2003, Ms. Cappello generally began sending all suspension letters and many other notices by certified mail.

11. Prior to April 1999, respondent and Mr. Woo both had keys to the mailbox for their home. In April 1999, respondent gave her key to Mr. Woo. Between April 1999 and January 13, 2000, Mr. Woo had the only key to their home mailbox. During this time, Mr. Woo removed from the mailbox mail that the Board had sent to respondent. Mr. Woo did not, however, give respondent all that mail or tell her about it. On January 13, 2000, the day respondent signed the Stipulation, she demanded that Mr. Woo give her the mailbox key. Respondent made a copy of that key and returned the original to Mr. Woo. Since January 13, 2000, both respondent and Mr. Woo have retrieved mail from the mailbox. There was no evidence to indicate that after January 13, 2000, Mr. Woo retrieved mail from the Board to respondent that Mr. Woo failed to give respondent.

12. While it is conceivable that respondent may not have received one of the letters sent by the Board, it was not credible that respondent did not receive both the March 1, 2001 letter and the May 28, 2003 letter. Those letters were sent two years apart. They were properly addressed to respondent's home address of record. At the time the letters were sent, respondent had a key to her home mailbox. There was no evidence that Mr. Woo withheld from respondent any letters from the Board addressed to respondent that he may have retrieved from their mailbox in 2001 and 2003. Neither letter was returned to Ms. Cappello as undeliverable. The fact that respondent may not have given the letters to her attorney does not prove that she did not receive them.

13. Mr. Woo issued checks dated August 16, 2002, September 30, 2002, and July 1, 2003, which fully paid the $4,000 in cost recovery respondent was obligated to pay under the Stipulation.

14. Respondent worked as a pharmacist from 1983 to 1987 and from 1994 to 1998. Respondent has not worked as a pharmacist since 1998.

15. Respondent did not submit any quarterly reports to the Board. As described by Ms. Cappello, the purpose of quarterly reporting is to advise the Board of a reporter's current home address, whether and where the reporter is working, the reporter's work schedule, and whether the reporter is keeping up with pharmacy law and the Board's continuing education requirements. The quarterly reports also provide the reporter with an opportunity to ask the Board questions. According to respondent, she did not submit any quarterly reports to the Board because, on January 18 or 19, 2000, when she called Deputy Attorney General Strumpfer to ask about the Stipulation, Ms. Strumpfer informed her that she had to contact Ms. Strumpfer and the Board through her attorney. Respondent asserted that, in light of Ms. Strumpfer's statement, she did not personally contact the Board in any fashion after the probation office conference. Respondent's excuse that she did not file any quarterly reports because of Ms. Strumpfer's statement was disingenuous.

Respondent also asserted that she did not file any quarterly reports with the Board because she did not work as a pharmacist after she entered into the Stipulation; she, therefore, had no changed circumstances to report. These facts did not justify respondent's

failure to comply with the Stipulation's quarterly reporting requirements. Term 2 explicitly required respondent to report to the Board or its designee quarterly.

16. Respondent did not undergo a psychiatric evaluation by a Board-appointed or Board-approved psychiatrist or psychotherapist within 30 days of the effective date of the Stipulation as required by Term 16. On July 28, 2006, four months after the Petition to Revoke Probation was served upon respondent, respondent's counsel wrote to the Deputy Attorney General asking that the Board approve Janak Mehtani, M.D. to conduct a psychiatric evaluation of respondent. The Deputy Attorney General did not respond to the July 28, 2006 letter. By letter dated September 6, 2006, respondent's counsel submitted to the Deputy Attorney General a psychiatric evaluation report, dated August 14, 2006, prepared by Dr. Mehtani. In his report, Dr. Mehtani opined that respondent was "competent to practice as a pharmacist without posing a danger to others or to herself." Dr. Mehtani also opined that "it may be beneficial for [respondent] to pursue psychotherapy." In his September 6, 2006 letter, respondent's counsel asked that the Board accept Dr. Mehtani's report. The Deputy Attorney General did not respond to the September 6, 2006 letter.

During the hearing, the only objection complainant raised to Dr. Mehtani's report was respondent's failure to comply timely with the requirements of Term 16 of the Stipulation. Complainant did not object to the competency of Dr. Mehtani to perform the psychiatric evaluation.

Term 16 of the Stipulation provided that respondent was required to undergo a psychiatric evaluation by a Board-appointed or Board-approved psychiatrist or psychotherapist within 30 days of the Stipulation's effective date. Respondent failed to comply with this requirement in a timely fashion.

17. Term 15 of the Stipulation did not include a date by which respondent was required to take and pass the pharmacist licensure examination. The Board gives the pharmacist licensure examination twice a year, in January and June. Respondent did not apply to take the examination at any time after she signed the Stipulation in January 2000. In addition, no Board employee scheduled respondent to take the examination after the Stipulation was signed. In her March 1, 2001 letter, Ms. Cappello stated, "Pursuant to Term 15, you shall take and pass the pharmacist's licensure examination as scheduled by the Board. To date the Board has not received your application." Ms. Cappello did not, however, include in her March 1, 2001 letter a date by which respondent had to file her application. In her March 28, 2003 letter, Ms. Cappello stated that respondent was suspended from the practice of pharmacy because she had not taken or passed the pharmacist licensure examination. Ms. Cappello did not include in her March 28, 2003 letter any deadline by which respondent had to take and pass the examination. Respondent purchased books and, from July to October 2001, began studying for the examination. She did not, however, apply to take the examination because she thought it was "unfair" for the Board to require her to take the full pharmacist licensure examination since, as she averred, she did not engage in the misconduct alleged in the Accusation.

18. The last sentence of Term 15 states, "Once respondent passes the pharmacist licensure examination, her license will be placed on probation for three (3) years as set forth in this decision." Ms. Cappello did not know why this sentence was included in the Stipulation. This sentence was not included in the examination provision set forth as an optional condition in the Board's Disciplinary Guidelines that were in effect at the time respondent entered into the Stipulation. Instead, the examination provision included in those Guidelines contained the following language, "Failure to take and pass the examination within one year of the effective date of this decision shall be considered a violation of probation. Suspension and probation shall be extended until respondent passes the examination and is notified in writing; failure to pass the examination within one year of the effective date of this decision is a violation of probation." This language was not included in Term 15 of respondent's Stipulation.[2] Because there was no deadline set forth in Term 15, it cannot be found that respondent's failure to take the examination violated the terms of her probation.

19. At hearing, respondent expressed her continued resentment at having to take the full pharmacist licensure examination and undergo a psychiatric evaluation by a Board-appointed or Board-approved psychiatrist or psychotherapist. The Board made the determination when it approved the Stipulation in 2000 that, as a condition of probation, respondent had to take and pass the full pharmacist licensure examination. That condition was consistent with the Board's authority under its regulations. It was also reasonable given the limited number of years respondent had practiced pharmacy since she was licensed. The Stipulation's requirement that respondent undergo a psychiatric evaluation was also consistent with the Board's regulatory authority and reasonable given the nature of the allegations set forth in the Accusation.[3]

20. It has been more than six years since respondent was placed on probation. Respondent's failure to undergo a psychiatric evaluation in a timely fashion and to submit any quarterly reports evidence respondent's unwillingness to abide by the terms and conditions of her probation. Respondent's noncompliance in this case showed a lack of respect for the requirements of her probation and a refusal to accept responsibility for her obligations. Respondent did not submit sufficient evidence to provide adequate assurances

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[2] The Board's Disciplinary Guidelines in effect since January 2001 include the following language in the optional examination condition: "Failure to take and pass the examination within one year of the effective date of this decision shall be considered a violation of probation. Suspension and probation shall be extended until respondent passes the examination and is notified in writing."

[3] California Code of Regulations, title 16, section 1773, in relevant part, provides:

> (b) If ordered by the Board in an administrative action or agreed upon in the stipulated settlement of an administrative action, any registered pharmacist who is serving a period of probation shall comply with any or all of the following conditions:
>
> (1) Take and pass all or any sections of the pharmacist licensure examination and/or attend continuing education courses in excess of the required number in specific areas of practice if directed by the Board;
>
> (2) Provide evidence of medical or psychiatric care if the need for such care is indicated by the circumstances leading to the violation and is directed by the Board;

that she would show greater respect for those requirements and obligations in the future, if her probation were extended. Given respondent's lack of compliance with, and attitude toward, the Stipulation, it would not be in the public interest to extend her probation any further.

21. At hearing, respondent asked for leave to file a petition for reconsideration with the Board to challenge the Stipulation. It is beyond the scope of this proceeding to address respondent's request. It is up to the Board whether it is willing to accept a petition for reconsideration from respondent at any time in the future. The only relevant issues in this proceeding are the terms and conditions of the Stipulation and whether respondent complied with those terms and conditions.

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code section 118, subdivision (b), the expiration of a respondent's license does not deprive the Board of jurisdiction to proceed with disciplinary action upon any ground provided by law during any period in which respondent's license may be renewed, restored, reissued or reinstated.

2. Pursuant to Business and Professions Code section 4300, subdivision (d), the Board may "initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation."[4]

3. Respondent's failure to undergo a psychiatric evaluation by a Board-appointed or Board-approved psychiatrist or psychotherapist within 30 days of the Stipulation's effective date violated Term 16 of the Stipulation. This violation constitutes cause to revoke respondent's probation pursuant to Business and Professions Code section 4300, subdivision (d).

4. Respondent's failure to file any quarterly reports violated Term 2 of the Stipulation and constitutes cause to revoke respondent's probation pursuant to Business and Professions Code section 4300, subdivision (d).

5. Because there was no deadline set forth in Term 15 by which respondent was required to take and pass the pharmacist licensure examination, it cannot be found that respondent's failure to take and pass that examination constitutes cause to revoke her probation.

6. As set forth in Factual Finding 20, given respondent's violations of the Stipulation and her failure to provide adequate assurances that it would be in the public

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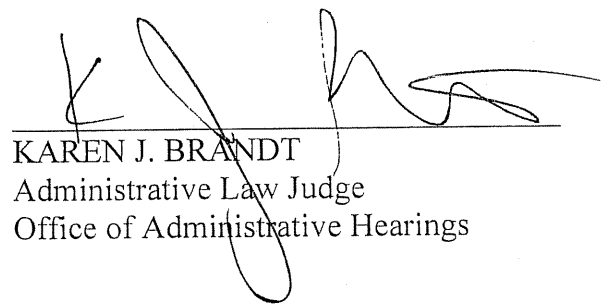
[4] Because complainant amended the Petition to Revoke Probation to eliminate the Accusation, the Petition's allegations with respect to violations of Business and Professions Code section 4310, subdivision (o) are no loner applicable and need not be addressed.

interest to extend her probation further, respondent's probation should be terminated and her license should be revoked.

ORDER

The Petition to Revoke the Probation of respondent Charlene Ann Kono, aka Charlene Ann Woo, is GRANTED. The stay of revocation set forth in Case No. 2210-B is VACATED. Pharmacist License No. RPH 37551 issued to respondent is REVOKED. Respondent shall relinquish her wall license and pocket renewal license to the Board within 10 days of the effective date of this decision.

DATED: April 25, 2007



KAREN J. BRANDT
Administrative Law Judge
Office of Administrative Hearings

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COPY

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

In the Matter of the Accusation Against: **CHARLENE ANN KONO** **(aka CHARLENE ANN WOO)** 7524 Rio Mondego Dr. Sacramento, CA 95831 Pharmacy License RPH 37551 Respondent.	Case No. 2966 **ACCUSATION AND PETITION TO REVOKE PROBATION**

Complainant alleges:

1. Patricia F. Harris ("Complainant") brings this Accusation and Petition To Revoke Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

I.

LICENSE HISTORY

2. On March 25, 1983, the Board issued Pharmacist License RPH No. 37551 to Respondent Charlene Ann Kono, aka Charlene Ann Woo (Respondent), to practice pharmacy in California. Although the expiration of Respondent's license is April 30, 2006, Respondent's pharmacy license has not been in full force and effect since May 27, 2003, when it was suspended for failure to comply with her terms of probation.

3. On or about July 30, 1999, the Board filed Accusation No. 2210-B against Respondent, for allegations of aiding and abetting her husband from March 1996 through April 8, 1998 in violations of pharmacy laws in obtaining controlled substances and dangerous drugs without a lawful prescription or authorization. On June 30, 2000, the Board adopted a Stipulation whereby Respondent admitted to the allegations in Accusation No. 2210-B. The effective date of the Stipulation was July 29, 2000.

4. As part of the terms and conditions in the Stipulation, Respondent's license was revoked, the revocation, however, was stayed and Respondent was placed on a probation for three years under various terms and conditions. The terms and conditions of probation included the following:

> 2. REPORTING TO THE BOARD: Respondent shall report to the Board or its designee quarterly. The report shall be made either in person or in writing, as directed. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made.
>
> 15. EXAMINATION: Respondent shall take and pass the pharmacist licensure examination as scheduled by the Board after the effective date of this decision. If respondent fails the examination or fails to take the examination, respondent shall be suspended, upon written notice. Respondent shall not resume the practice of pharmacy until she takes and passes the same sections(s) at a subsequent examination and is notified, in writing, she has passed the examination. Once respondent passes the pharmacist licensure examination, her license will be placed on probation for three (3) years as set forth in this decision.
>
> 16. PSYCHIATRIC EVALUATION: Within thirty (30) days of the effective date of this decision, and on a periodic basis as may be required by the Board or its designee, respondent shall undergo, at her own expense, psychiatric evaluation by a board-appointed or board-approved psychiatrist or psychotherapist. Respondent shall sign a release which authorizes the evaluator to furnish the Board a current diagnosis and written report regarding the respondent's judgment and ability to function independently as a pharmacist with safety to the public.
>
> It the psychiatrist or psychotherapist recommends and the Board or its designee directs respondent to undergo psychotherapy, respondent shall, within thirty (30) days of written notice of the need for psychotherapy, submit to the Board or its designee for its prior approval, the recommended program for ongoing psychotherapeutic care. Respondent shall undergo and continue psychotherapy, at respondent's own expense, until further notice from the Board. Respondent shall have the treating psychotherapist submit quarterly reports to the Board or its designee.

II.

PROCEDURAL BACKGROUND

5. In 2000, after the Stipulation became effective, Respondent filed a Writ of Mandate in Sacramento Superior Court, *Charlene Ann Kono vs. Board of Pharmacy* (Case No. 00CS01144). The Superior Court judge initially stayed two conditions of probation: (1) reimbursement of costs, and (2) a psychiatric evaluation, pending a ruling on the Writ of Mandate. On November 21, 2000, Respondent's Writ of Mandate was denied, and the stay was vacated.

III.

STATUTORY PROVISIONS

6. Under Business and Professions Code ("Bus. & Prof. Code") section 4300 the Board may discipline any license, for any reason provided in the Pharmacy Law, (i.e., Bus. & Prof. Code section 4000 *et. seq.*) Bus. & Prof. Code section 4300 (d), states the following:

> (d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

7. The disciplinary conditions of probation of pharmacist are set forth in the California Code of Regulations, title 16, section 1773.

8. Bus. & Prof. Code section 118, subdivision (b), states:

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

9. Bus. & Prof. Code section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a

violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

IV.

GENERAL BACKGROUND

10. By reference paragraphs 3 through 5 are incorporated herein. On March 1, 2001, a letter was sent to Respondent indicating she was non compliant with specific terms and conditions of her probation, namely: (1) she had failed to report to the Board quarterly (Term No. 2) ; (2) she failed to take and pass the pharmacist licensure examination (Term No. 15); and (3) she failed to undergo a psychiatrist or psychotherapist examination (Term No. 16).

11. Respondent failed to respond to the Board's March 1, 2001 letter. Thus, on May 28, 2003, the Board sent Respondent a letter indicating that her pharmacist license was suspended for failure to take and pass the pharmacist licensure examination required under the Stipulation.

V.

VIOLATIONS

(B&P SECTION 4300(d))

12. Paragraphs 3 through 5, 10 and 11 are incorporated herein by reference. Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4300, subdivision (d), for failure to comply with the following terms and conditions of her probation:

1. Term 2, requiring her to report quarterly to the Board.
2. Term 15, requiring her to take and pass the pharmacist licensure examination as scheduled after the effective date of the decision.
3. Term 16, requiring her to undergo a psychiatric evaluation.

(B&P SECTION 4301(o)

(Violation of Laws and Regulations)

13. Paragraph 3 through 5, and 10 through 12 are incorporated herein by reference. Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301, subdivision (o), on the grounds of unprofessional conduct, for violating directly and/or

indirectly the California Code of Regulations, title 16, section 1773, which requires her to comply with the disciplinary terms and conditions during probation. Respondent failed to comply with terms and conditions (2), (15), and (16).

VI.

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. Revoking or suspending Pharmacist License Number RPH 37551, issued to Charlene Ann Kono (Charlene Woo);

2. Vacating the Board's stayed revocation of Pharmacist License Number RPH 37551, in case No.2210-B;

3. Ordering Respondent Charlene Ann Kono to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: 3/1/06

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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