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8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 3689
12	PRINCE SINGH SOHAL
13	Fresno, CA 93722  ACCUSATION
14	Pharmacy Technician License Number 68528
15	Number 68328
16	Respondent.
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19	Complainant alleges:
20	<u>PARTIES</u>
21	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
23	2. On or about April 6, 2006, the Board of Pharmacy issued Pharmacy Technician
24	Registration Number TCH 68528 to Prince Singh Sohal (Respondent). The Pharmacy Technician
25	Registration was in full force and effect at all times relevant to the charges brought herein and
26	will expire on July 31, 2011, unless renewed.
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## **JURISDICTION**

- 3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Section 4300, subdivision (a), of the Code states that every license issued by the Board may be suspended or revoked.
- 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board or Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

5. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, 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.
- (1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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

### COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board or Director 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.

## FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

- 8. Respondent's license is subject to disciplinary action under sections 4300 and 4301, subdivision (l), on the grounds of unprofessional conduct in that on November 17, 2009, Respondent was convicted in the case titled *People v. Prince Singh Sohal*, Sutter County Case No. CRF09-0617, on his plea of no contest to violating Penal Code section 594(b)(1) vandalism/malicious mischief), a felony. Said crime is substantially related to the qualifications, functions, and duties of a pharmacy technician. The circumstances are as follows:
- 9. On or about November 8, 2009, Respondent and four males, in an orchard in Sutter County, California, beat a vehicle with a bat and then set it on fire. The vehicle, a 2006 Mazda sedan, belonged to a non-present sixth male who was a friend of Respondent's. Law enforcement officers arrived at the scene of the fire and interviewed the five males, including Respondent. The arresting police officer observed that Respondent emitted a strong odor of gasoline. Respondent stated to the officer that he had spilled some gasoline on his clothing while he was fueling his own vehicle. He denied knowledge of the fire. The officers located gas containers, the Mazda's license plates, and a bat in the back of a truck, in which Respondent was a passenger, at the scene. Respondent committed said act to assist the owner of the vehicle to obtain insurance monies relating to the vehicle.

#### SECOND CAUSE FOR DISCIPLINE

(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

10. Respondent's license is subject to disciplinary action under sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct in that on or about November 8, 2009,

. 1	Respondent committed an act or acts involving moral turpitude, dishonesty, fraud, deceit, or
2	corruption as set forth in paragraph 9, above, incorporated herein by this reference.
3	PRAYER
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged
5	and that following the hearing, the Board of Pharmacy issue a decision:
6	1. Revoking or suspending Pharmacy Technician Registration Number TCH 68528,
7	issued to Respondent Prince Singh Sohal.
8	2. Ordering Respondent Prince Singh Sohal to pay the Board of Pharmacy the
9	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10	Professions Code section 125.3;
11	3. Taking such other and further action as deemed necessary and proper.
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13	DATED: 9/23/10 liginia Heeld
14	VIRGINIA HEROLD  Executive Officer
	Board of Pharmacy
15	Department of Consumer Affairs
15 16	Department of Consumer Affairs State of California Complainant
	State of California
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