

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 KAREN R. DENVER  
Deputy Attorney General  
4 State Bar No. 197268  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5333  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4117

13 **CHARAN DASS**  
8221 S. Country Way  
14 Sacramento, CA 95828  
Pharmacy Technician License  
No. TCH 64051

**A C C U S A T I O N e**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1.e Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2.e On or about July 20, 2005, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 64051 to Charan Dass (Respondent). The Pharmacy Technician License  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 July 31, 2013, unless renewed.

25 **JURISDICTION**

26 3.e This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.

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4. Section 4300 of the Code states, in pertinent part:

- (a) Every license issued may be suspended or revoked.
- (b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
  - (1) Suspending judgment.
  - (2) Placing him or her upon probation.
  - (3) Suspending his or her right to practice for a period not exceeding one year.
  - (4) Revoking his or her license.
  - (5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

....

5. 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

(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

1 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
2 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
3 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
4 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
5 indictment.

6 . . . .

7 6. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licentiate found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

11 7. Section 118, subdivision (b), of the Code provides that the expiration of a license  
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
13 within which the license may be renewed, restored, reissued or reinstated.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Criminal Conviction)**

16 8. Respondent is subject to disciplinary action under section 4301, subdivision (l) in that  
17 he was convicted of a crime substantially related to the qualifications, functions, and duties of a  
18 licensee as follows:

19 9. On or about August 4, 2009, in the case of *People v. Charan Dass* (Sacramento  
20 Superior Court Case No. 09M03298), Respondent pled nolo contendere to a misdemeanor  
21 violation of Penal Code section 273.5(a) (corporal injury on a spouse). The circumstances are as  
22 follows:

23 10. On April 5, 2009, police officers arrived at Respondent's home, which he shared with  
24 his wife. His wife told the police officers that after an argument, Respondent forced 5 to 7 pills  
25 into her mouth and made her swallow them. Respondent hit her with a belt approximately 8 to 10  
26 times. Respondent told her repeatedly that he would kill her or have her killed, and that he made  
27 her take the pills so she would sleep until he returned from work, at which time he would kill her.

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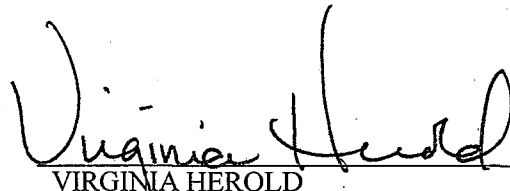
PRAYER

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. Revoking or suspending Pharmacy Technician License Number TCH 64051, issued to Charan Dass.;
2. Ordering Charan Dass 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

11/9/11



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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