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

11 In the Matter of the Accusation Against:

Case No. 4922

12 **JAGDIP SINGH JASPAL**
13 **P.O. Box 126**
Kerman, California 93630

A C C U S A T I O N

14 **Pharmacist License No. RPH 55129**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. 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. On or about September 30, 2003, the Board of Pharmacy issued Pharmacist License
22 Number RPH 55129 to Jagdip Singh Jaspal (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on September
24 30, 2015, unless renewed.

25 **JURISDICTION**

26 3. 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.

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

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the board, whose
4 default has been entered or whose case has been heard by the board and found guilty,
by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one year.

8 (4) Revoking his or her license.

9 (5) Taking any other action in relation to disciplining him or her as the board in its
10 discretion may deem proper.

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

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

15

16 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
17 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.

18

19 (h) The administering to oneself, of any controlled substance, or the use of any
20 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
21 dangerous or injurious to oneself, to a person holding a license under this chapter, or
to any other person or to the public, or to the extent that the use impairs the ability of
the person to conduct with safety to the public the practice authorized by the license.

22

23 (k) The conviction of more than one misdemeanor or any felony involving the use,
24 consumption, or self-administration of any dangerous drug or alcoholic beverage, or
any combination of those substances.

25 (l) The conviction of a crime substantially related to the qualifications, functions, and
26 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
27 regulating controlled substances or of a violation of the statutes of this state regulating
controlled substances or dangerous drugs shall be conclusive evidence of
28 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

1 fix the degree of discipline or, in the case of a conviction not involving controlled
2 substances or dangerous drugs, to determine if the conviction is of an offense
3 substantially related to the qualifications, functions, and duties of a licensee under this
4 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
5 contendere is deemed to be a conviction within the meaning of this provision. The
6 board may take action when the time for appeal has elapsed, or the judgment of
7 conviction has been affirmed on appeal or when an order granting probation is made
8 suspending the imposition of sentence, irrespective of a subsequent order under
9 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
10 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
11 dismissing the accusation, information, or indictment.

12

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

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

20 7. Section 4300.1 of the Code states:

21 The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
22 of law or by order or decision of the board or a court of law, the placement of a license on a
23 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
24 jurisdiction to commence or proceed with any investigation of, or action or disciplinary
25 proceeding against, the licensee or to render a decision suspending or revoking the license.

26 COST RECOVERY

27 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
28 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.

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FIRST CAUSE FOR DISCIPLINE

(Dishonest Act)

9. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that he committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption, as follows:

10. On or about October 14, 2012, at 7:47 a.m., Kerman Police Officer Milchovich was dispatched to Respondent's residence regarding a 911 call reporting a stolen car. When the officer arrived, she observed that Respondent had red, watery eyes, slurred speech, and was unsteady on his feet. Respondent stated that he had been drinking "a little vodka" and that he began to drink because he was upset at his wife and not feeling well due to bronchitis. Respondent denied making the 911 call reporting a stolen car. The officer used her cell phone to telephone the call back number provided in the 911 call, and could hear a phone ringing inside the residence. Respondent continued to deny reporting a stolen car. The officer contacted the 911 dispatcher who stated that a male caller with an Indian accent reported his BMW stolen, and identified himself as Jagdip Jaspal. During the 911 call, the caller kept coughing and told the dispatcher he had bronchitis. Respondent eventually admitted that he did call 911 to report his wife's car stolen because he was "pissed off at her" for leaving and not coming back home. Respondent apologized for lying and stated that he had too much to drink and was not thinking.

SECOND CAUSE FOR DISCIPLINE

(Use of Alcohol to an Extent Dangerous to Self or Others)

11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that he used alcohol to the extent or in a manner as to be dangerous or injurious to himself or others as set forth in paragraphs 10, 15, and as follows:

12. On or about May 1, 2013, at 7:35 a.m., Kerman Police Officer James Nevis was dispatched to a call regarding a hit and run traffic collision. Upon arrival the officer observed a silver Lincoln Navigator in the roadway, and the Respondent standing next to it. While speaking to another witness, Officer Nevis observed the Navigator pulling into the garage of a house that turned out to be Respondent's residence. Respondent appeared very unsteady on his feet and had

1 a strong odor of an alcoholic beverage emitting from his breath. Respondent stated that he
2 “accidentally hit that car” while backing his vehicle out of the garage to move another vehicle
3 inside. Respondent had very slurred speech and had to be redirected multiple times on questions
4 he was being asked. When asked if he had been drinking Respondent said “I won’t lie, I had
5 about six beers.” Respondent was unable to perform the field sobriety tests and his chemical
6 breath test showed his blood alcohol content was .18 percent.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Criminal Conviction)**

9 13. Respondent is subject to disciplinary action under section 4301, subdivision (l), in
10 that he was convicted of a crime substantially related to the qualifications, functions and duties of
11 a licensed pharmacist , as set forth below:

12 14. On or about October 7, 2003, in the case of *People v. Jagdip Singh Jaspal* (Superior
13 Court of California, County of Alameda, Case No. 487443), Respondent was convicted on his
14 plea of nolo contendere of violations of Vehicle Code sections 23153(b) (causing injury while
15 driving with a blood alcohol content of .08 percent or more) and 23152(b) (driving with a blood
16 alcohol content of .08 percent or more), both misdemeanors. Respondent was sentenced to thirty
17 days in the County jail and three years of probation.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Multiple Criminal Convictions Involving the Use of Alcohol)**

20 15. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
21 that he was convicted of more than one misdemeanor involving the use of alcohol, as follows:

22 a. On or about October 7, 2003, Respondent was convicted of violations of Vehicle
23 Code sections 23153(b) (causing injury while driving with a blood alcohol content of .08 percent
24 or more) and 23152(b) (driving with a blood alcohol content of .08 percent or more), as set forth
25 above in paragraph 14, and incorporated herein by reference.

26 b. On or about October 4, 2000, in the case of *People v. Jagdip Singh Jaspal* (Superior
27 Court of California, County of Yolo, Case No. CRM000002643), Respondent was convicted on
28

1 his plea of nolo contendere of a violation of Vehicle Code section 23103/23103.5 (reckless
2 driving involving the consumption of alcohol), a misdemeanor.

3 **OTHER MATTERS**

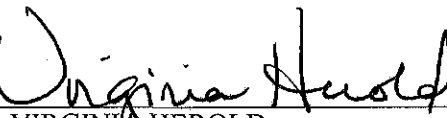
4 16. To determine the degree of discipline, if any, to be imposed on Respondent,
5 Complainant alleges that on or about August 24, 2004, the Board issued Citation No. CI 2003
6 27321 to Respondent for violation of California Code of Regulations, title 16, sections 1714 and
7 1711 and imposed a fine of \$375. The basis for the violation of section 1714, subdivision (d) was
8 that on or about May 24, 2004, Respondent allowed a non-pharmacist to have possession of the
9 key and unsupervised access to the licensed area of the pharmacy where dangerous drugs were
10 being stored. The basis for the violation of section 1711, subdivision (c), Respondent failed to
11 ensure the prescriber of a prescription was notified of a dispensing error that occurred on or about
12 April 1, 2004, as required by law.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Pharmacy issue a decision:

- 16 1. Revoking or suspending Pharmacist License Number RPH 55129, issued to Jagdip
17 Singh Jaspal
- 18 2. Ordering Jagdip Singh Jaspal to pay the Board of Pharmacy the reasonable costs of
19 the investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 10/21/13



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

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