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8	BEFORE THE				
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA				
	STATE OF CA	LLIFUKNIA			
10	In the Matter of the Accusation Against:	Case No. 4968			
12	AMAL AGEET SINGH				
13	1349 Judson Street Seaside, CA 93955	ACCUSATION			
14	Pharmacy Technician License No. TCH 80336				
15	Respondent.				
16	Complainant alleges:				
17	PART	<u>IES</u>			
18	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity				
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.				
20	2. On or about June 2, 2008, the Board of Pharmacy issued Pharmacy Technician				
21	License No. TCH 80336 to Amal Ageet Singh (Respondent). The License was in force and effect				
22	at all times relevant to the charges herein and will expire on August 31, 2015, unless renewed.				
23					
24	<u>JURISDI</u>	<u>CTION</u>			
25	3. This Accusation is brought before the Board of Pharmacy (Board), Department of				
26	Consumer Affairs, under the authority of the following laws. All section references are to the				
27	Business and Professions Code (Code) unless otherwise indicated.				
28	///				

- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

# STATUTORY AND REGULATORY PROVISIONS

- 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:
- (h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be 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.
- (l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.
- 8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished upon a valid prescription/drug order.
- 9. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess a controlled substance in Schedule I, subdivision(s) (b), (c), or (f)(1), Schedule II, subdivision(s) (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

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- 10. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.
  - 11. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or 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 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 to perform the functions authorized by her license or registration in a manner consistent with the public health, safety, or welfare."

### COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

# CONTROLLED SUBSTANCES / DANGEROUS DRUGS

- 13. Section 4021 of the Code states:
- "Controlled substance' means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code."
  - 14. Section 4022 of the Code states, in pertinent part:
- "Dangerous drug' or 'dangerous device' means any drug or device unsafe for self use, except veterinary drugs that are labeled as such, and includes the following:
- "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx only,' or words of similar import.

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"(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

2.5

15. **Cocaine** is a Schedule I (in base/rock/crack form) or Schedule II controlled substance as designated by Health and Safety Code sections 11054(f)(1) and 11055(b)(6) and a dangerous drug as designated by Business and Professions Code section 4022. It is a narcotic drug.

#### FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

- 16. Respondent is subject to discipline under section 4301(1) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about April 2, 2012, in the criminal case *People v. Amal A. Singh*, Case No. MS301531A in Monterey County Superior Court, Respondent was convicted of violating Penal Code section 594(b)(2)(A) (Vandalism: Defacing or Damaging Property Valued Under \$400.00), a misdemeanor. The conviction was entered as follows:
- a. On or about December 17, 2011, Marina (CA) Police Department officer(s) responded to a report of a domestic violence incident made by Respondent's girlfriend/domestic partner (identified as Jane Doe), with whom Respondent reportedly had a 2-year-old child. Jane Doe reported various instances of physical aggression and/or abuse by Respondent, during which she reported that she received a scratch on her arm and her purse was torn.
- b. On or about December 21, 2011, in *People v. Amal A. Singh*, Case No. MS301531A in Monterey County Superior Court, Respondent was charged by Complaint with violating (1) Penal Code section 243, subdivision (e) (Battery on Spouse, Cohabitant, or Former Spouse), a misdemeanor, based on an incident alleged to have taken place on December 15, 2011; (2) Penal Code section 243, subdivision (e) (Battery on Spouse, Cohabitant, or Former Spouse), a misdemeanor, based on an incident alleged to have taken place on December 17, 2011, and (3) Penal Code section 594, subdivision (b)(2)(A) (Vandalism: Defacing or Damaging Property Valued Under \$400.00), a misdemeanor, based on the incident alleged on December 17, 2011.
- c. On or about April 12, 2012, Respondent entered a nolo contendere plea with a factual stipulation for the basis of the plea, and was convicted of Count 3 (violation of Penal Code section 594(b)(2)(A)). The remaining counts were dismissed pursuant to the plea.

d. Imposition of sentence was suspended in favor of a period of conditional probation of three (3) years, on terms and conditions including fines and fees, completion of a one-year domestic violence counseling program, and a restraining order in favor of the victim.

### SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

- 17. Respondent is subject to discipline under section 4301(l) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about August 21, 2013, in the criminal case *People v*. *Amal Ajeet Singh*, Case No. SS131428A in Monterey County Superior Court, Respondent was convicted of violating Vehicle Code section(s) 23103/23103.5 (Reckless Driving with Alcohol Involved ["Wet Reckless"]), a misdemeanor. The conviction was entered as follows:
- a. On or about July 13, 2013, Respondent was stopped by Monterey (CA) Police after the car he was driving was observed following too closely behind another vehicle and failing to maintain its lane position. The officer(s) noted that Respondent exhibited signs and symptoms of alcoholic intoxication. Respondent said that he had consumed half of a margarita and that he was taking **Xanax** for anxiety. Respondent performed poorly on Field Sobriety Tests (FSTs) that were administered by the officer(s), and was arrested on suspicion of driving under the influence. He was transported to jail, at which time a chemical breath test measured a blood alcohol level of 0.07%. During a search of his person, a small plastic bindle was located in Respondent's sock, containing a white powdery substance, later tested and measured as 0.19 grams of **cocaine**.
- b. On or about July 22, 2013, in *People v. Amal Ajeet Singh*, Case No. SS131428A in Monterey County Superior Court, Respondent was charged by Complaint with violating (1) Health and Safety Code section 11352, subdivision (a) (Transporting/Selling Narcotic Controlled Substance **cocaine**), a felony; and (2) Vehicle Code section 23152, subdivision (a) (Driving Under the Influence of Alcohol or Drugs), a misdemeanor.
- c. On or about August 21, 2013, the Complaint was amended to add violations of (3) Health and Safety Code section 11350 (Possession of Controlled Substance), a felony; and (4)

Vehicle Code section(s) 23103 pursuant to 23103.5 (Reckless Driving with Alcohol Involved ["Wet Reckless"]), a misdemeanor. Respondent entered a plea of guilty to Count (3) and was granted deferred entry of judgment (DEJ), with terms and conditions including attendance at 4 Narcotics Anonymous (NA) meetings per week, and enrollment in Valley Health Associates (a drug treatment program). Respondent entered a plea of nolo contendere to Count (4). All other charges, enhancements, and special allegations were dismissed pursuant to the plea.

d. Pursuant to Respondent's nolo contendere plea to Count (4), imposition of sentence was suspended and Respondent was placed on probation for a period of three (3) years, on terms and conditions including two (2) days in jail (2 days CTS), drug and alcohol testing as required, completion of the 12 Hour Wet Reckless Program, and fines and fees.

# THIRD CAUSE FOR DISCIPLINE

(Dangerous or Injurious Use of Alcohol)

18. Respondent is subject to discipline under section 4301(h) of the Code, in that, as described in paragraph 17 above, Respondent used alcohol in a dangerous or injurious manner.

#### FOURTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substance)

19. Respondent is subject to discipline under section section(s) 4301(j), (o) and/or 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described in paragraph 17 above, possessed, conspired to possess, and/or assisted in or abetted possession of, a controlled substance, without a prescription.

#### FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

20. Respondent is subject to discipline under section 4301 of the Code in that, as described in paragraphs 16 to 19 above, Respondent engaged in unprofessional conduct.

# **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 No. TCH 80336, issued to Amal Ageet Singh (Respondent);
- 2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED:	21	15	14	

VIRGINIA HEROLD Executive Officer Board of Pharmacy

Department of Consumer Affairs

State of California Complainant

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