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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. 5330

13 **SUKHWANT SINGH**  
43136 62nd Street West  
Lancaster, CA 93536

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

14 Pharmacy Technician Registration  
15 No. TCH 108520

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.  
22 2. On or about December 27, 2010, the Board issued Pharmacy Technician Registration  
23 No. TCH 108520 to Sukhwant Singh (Respondent). The Pharmacy Technician Registration was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 January 31, 2016, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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5 **STATUTORY PROVISIONS**

6 4. Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
7 on the ground that the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, or duties of the business or profession for which the license was issued.

9 5. Section 4300 provides in pertinent part, that every license issued by the Boards is  
10 subject to discipline, including suspension or revocation.

11 6. Section 4300.1 states:

12 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
13 operation of law or by order or decision of the board or a court of law, the placement of a license  
14 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
15 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
16 proceeding against, the licensee or to render a decision suspending or revoking the license.”

17 7. Section 4301 states, in pertinent part:

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

21 ...

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

27 ...

1 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
3 federal and state laws and regulations governing pharmacy, including regulations established by  
4 the board or by any other state or federal regulatory agency.”

5  
6 **REGULATORY PROVISIONS**

7 8. California Code of Regulations, title 16, section 1770, states:

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

14  
15 **COST RECOVERY**

16 9. Section 125.3 provides, in pertinent part, that the Board may request the  
17 administrative law judge to direct a licentiate found to have committed a violation or violations of  
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
21 included in a stipulated settlement.

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23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 10. Respondent is subject to disciplinary action under section 4301, subdivision (h), on  
26 the grounds of unprofessional conduct, in that, Respondent used alcoholic beverages to an extent  
27 or in a manner dangerous or injurious to himself, any person, or the public, as follows:

1 a. On or about May 30, 2014, the Los Angeles County Sheriff's Department responded  
2 to a report of a vehicle being driven in a reckless manner. Deputies found the reported vehicle  
3 parked in a shopping center. When they approached the vehicle, Respondent was found sitting in  
4 the rear seat drinking Bacardi Rum. While speaking to Respondent, the deputy smelled a strong  
5 odor of alcohol beverage emitting from his breath and person. Respondent was observed to have  
6 "watery eyes" and his speech was "slightly slurred." When asked if he drove himself to the  
7 current location, Respondent replied, "Yes to do some shopping." Respondent admitted to  
8 drinking Bacardi Rum while sitting in the back seat of his vehicle in the parking lot. Respondent  
9 was asked to complete a series of standard field sobriety tests which he was unable to successfully  
10 perform. While at the scene, Respondent submitted to a Preliminary Alcohol Screening Test that  
11 resulted in a breath-alcohol content level of 0.25% on the first reading and 0.27% on the second.  
12 Respondent was subsequently arrested for violating Vehicle Code section 23152, subdivision (b)  
13 [driving while having 0.08% or more, by weight, of alcohol in his blood].

14 b. On or around July 8, 2014, criminal charges were filed against Respondent in the in  
15 the criminal proceeding entitled *The People of the State of California v. Sukhwant Singh* (Super.  
16 Ct. L.A. County, 2014, No. 4AV03785). On or about July 31, 2014, Respondent failed to appear  
17 at Lancaster Superior Court for arraignment. The Court issued a bench warrant in the amount of  
18 \$50,000.

19  
20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

22 11. Respondent is subject to disciplinary action under section 4301, (o), in that  
23 Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing  
24 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above  
25 in paragraphs 10, as though set forth fully.

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1 **DISCIPLINE CONSIDERATIONS**

2 12. To determine the degree of discipline, if any, to be imposed on Respondent,

3 Complainant alleges, as follows:

4 a. On or about November 6, 2012, after pleading nolo contendere, Respondent was  
5 convicted of one misdemeanor count of violating Penal Code section 243, subdivision (e)(1)  
6 [battery on spouse or cohabitant] in the criminal proceeding entitled *The People of the State of*  
7 *California v. Sukhwant Nnm Singh* (Super. Ct. L.A. County, 2012, No. 2AV06582). The Court  
8 ordered Respondent to enroll in a 52-week domestic violence treatment program and placed him  
9 on probation for 3 years, with terms and conditions.

10 b. The circumstances surrounding the conviction are that on or about September 2, 2012,  
11 Respondent was involved in an argument with his spouse, R.B. The argument escalated and  
12 Respondent broke a large dowel in three pieces with sharp ends and threatened to kill the whole  
13 family. R.B. and her children locked themselves in the bedroom.

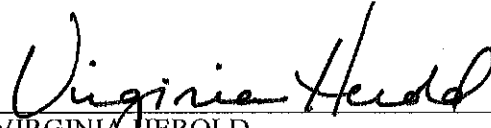
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15 **PRAAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board issue a decision:

- 18 1. Revoking or suspending Pharmacy Technician Registration No. TCH 108520, issued  
19 to Sukhwant Singh;
- 20 2. Ordering Sukhwant Singh to pay the Board the reasonable costs of the investigation  
21 and enforcement of this case, pursuant to section 125.3; and
- 22 3. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: \_\_\_\_\_

5/28/15

25   
26 VIRGINIA HEROLD  
27 Executive Officer  
28 Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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