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7 *Attorneys for Complainant*

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. 5370

12 **JASPREET SINGH CHOCHAN**
13 **845 Rolling Oak Court**
Modesto, CA 95351

AMENDED ACCUSATION

14 **Pharmacy Technician Registration**
15 **No. TCH 123446**

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, Department of Consumer Affairs.

22 2. On or about May 8, 2012, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 123446 to Jaspreet S. Chohan (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on August 31, 2015, unless renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 4300(a) states, that every license
28 issued may be suspended or revoked.

1 4. Code section 4011 states that the board shall administer and enforce this chapter
2 and the Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of
3 the Health and Safety Code).

4 5. Code section 4300.1 states:

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

11 STATUTORY PROVISIONS

12 6. Code section 4301 states, in pertinent part:

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

17
18 (j) The violation of any of the statutes of this state, or any other state, or of
19 the United States regulating controlled substances and dangerous drugs . . .
20

21 (l) The conviction of a crime substantially related to the qualifications, functions,
22 and duties of a licensee under this chapter. The record of conviction of a violation of
23 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating
24 controlled substances or of a violation of the statutes of this state regulating controlled
25 substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In
26 all other cases, the record of conviction shall be conclusive evidence only of the fact that the
27 conviction occurred. The board may inquire into the circumstances surrounding the
28 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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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that a Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUGS**

7 8. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety
8 Code section 11055, subdivision (b)(6).

9 9. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety
10 Code section 11054, subdivision (d)(13).

11 **BACKGROUND**

12 10. On or about June 1, 2014, Respondent sold approximately 1 gram of cocaine to an
13 confidential informant of the Modesto Police Department. On or about June 4, 2014, Respondent
14 was arrested by Modesto Police Department officers and a search warrant was executed on
15 Respondent's vehicle that uncovered approximately one ounce of marijuana and a digital scale.
16 Later that day, a search was executed by Modesto Police Department officers on Respondent's
17 residence that uncovered approximately 38 grams of cocaine, one pound of marijuana, packaging
18 materials, scales, and text messages on Respondent's cell phone consistent with drug sales.
19 Respondent's residence was within 1,000 feet of an elementary school.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Criminal Conviction)**

22 11. Respondent is subject to disciplinary action for unprofessional conduct under section
23 4301, subdivision (I), based on a criminal conviction, in that on or about July 7, 2015, in the
24 Stanislaus County Superior Court case entitled *People v. Jaspreet Singh Chohan*, Case Number
25 1475560, Respondent pled nolo contendere to one count of violating Health and Safety Code
26 section 11366.5(a), a felony. The circumstances of the crime are that on or about June 4, 2014,
27 Respondent did making available for use a building, room, space, or enclosure for unlawful
28 manufacture, storage, or distribution of controlled substance, to wit, cocaine.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Violations of State Laws Regulating Controlled Substances)**

3 12. Respondent is subject to disciplinary action pursuant to Code section 4301,
4 subdivision (j), for unprofessional conduct, in that on or about June 1 and 4, 2014, Respondent
5 violated state laws regulating controlled substances, as alleged in paragraph 10 and 11.

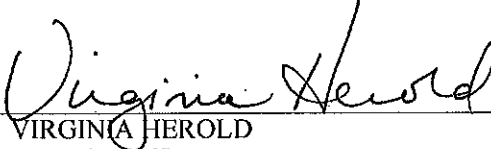
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Pharmacy issue a decision:

8 1. Revoking or suspending Pharmacy Technician Registration Number TCH 123446,
9 issued to Jaspreet S. Chohan.;

10 2. Ordering Jaspreet S. Chohan to pay the Board of Pharmacy the reasonable costs of the
11 investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 8/10/15



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

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20 SA2014119551
Chohan amended accusation

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24 Stanislaus County Superior Court case entitled *People v. Jaspreet Singh Chohan*, Case Number
25 1475560, Respondent pled nolo contendere to one count of violating Health and Safety Code
26 section 11351 (Possession for sale of a controlled substance), a felony. The circumstances of the
27 crime are that on or about June 4, 2014, Respondent did willfully, unlawfully, and feloniously
28 have in his possession for purpose of sale a controlled substance, to wit, cocaine.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Violations of State Laws Regulating Controlled Substances)**

3 12. Respondent is subject to disciplinary action pursuant to Code section 4301,
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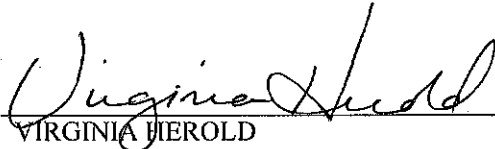
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13 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 7/28/15


17 VIRGINIA HIEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 Complainant

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