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

12 In the Matter of the Accusation Against:  
13 **SACHIN SREEKUMAR NAIR**  
14 **12314 Kourtney Court**  
**Eastvale, CA 91752**  
15 **Pharmacy Technician Registration No. TCH 119441**  
16 Respondent.

Case No. 6219  
**FIRST AMENDED**  
**ACCUSATION**

18 Complainant alleges:

19 **PARTIES**

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

23 2. On April 9, 2012, the Board issued Pharmacy Technician Registration Number  
24 TCH 119441 to Sachin Sreekumar Nair (Respondent). The Pharmacy Technician Registration  
25 was in full force and effect at all times relevant to the charges brought herein, and will expire on  
26 February 28, 2018, unless renewed.

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## JURISDICTION

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

4. Code section 4300, subdivision (a), provides that every license issued by the Board may be suspended or revoked.

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, 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 PROVISIONS

6. Code section 482 states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

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

8. Code section 493 states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest. This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2

1 (commencing with Section 500) of this code, or any initiative act referred to in  
2 that division.

3 9. Code section 4301 states, in pertinent part:

4 The board shall take action against any holder of a license who is guilty of  
5 unprofessional conduct or whose license has been issued by mistake.  
6 Unprofessional conduct shall include, but is not limited to, any of the following:

7 ...

8 (f) The commission of any act involving moral turpitude, dishonesty,  
9 fraud, deceit, or corruption, whether the act is committed in the course of relations  
10 as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

11 ...

12 (l) The conviction of a crime substantially related to the qualifications,  
13 functions, and duties of a licensee under this chapter. The record of conviction of  
14 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the  
15 United States Code regulating controlled substances or of a violation of the  
16 statutes of this state regulating controlled substances or dangerous drugs shall be  
17 conclusive evidence of unprofessional conduct. In all other cases, the record of  
18 conviction shall be conclusive evidence only of the fact that the conviction  
19 occurred. The board may inquire into the circumstances surrounding the  
20 commission of the crime, in order to fix the degree of discipline or, in the case of  
21 a conviction not involving controlled substances or dangerous drugs, to determine  
22 if the conviction is of an offense substantially related to the qualifications,  
23 functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction  
25 within the meaning of this provision. The board may take action when the time  
26 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal  
27 or when an order granting probation is made suspending the imposition of  
28 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.

....

### REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1769, states:

...

(b) When considering the suspension or revocation of a facility or a  
personal license on the ground that the licensee or the registrant has been  
convicted of a crime, the board, in evaluating the rehabilitation of such person and  
his present eligibility for a license will consider the following criteria:

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- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

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 his license or registration in a manner consistent with the public health, safety, or welfare.

**COST RECOVERY**

12. Code section 125.3 provides, in pertinent part, that the Board may request the 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

**FIRST CAUSE FOR DISCIPLINE**

**(February 23, 2017 Conviction for Willfully and Unlawfully Presenting False Statements in Support of Insurance Claim on May 11, 2015)**

13. Respondent subjected his Pharmacy Technician Registration to discipline under Code sections 490 and 4301, subdivision (l) in that he was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered pharmacy technician. The circumstances are as follows:

a. On February 23, 2017, in a criminal proceeding entitled *The People of the State of California v. Sachin Sreekumar Nair*, in Riverside County Superior Court, Hall of

1 Justice Courthouse, Case Number RIF1602950, Respondent was convicted on his plea of guilty  
2 of violating Penal Code section 550, subdivision (b)(1), willfully and unlawfully presenting  
3 written or oral statements in support of a claim for payment pursuant to an insurance policy,  
4 knowing that the statements contained false or misleading information concerning any material  
5 fact, a felony. As part of his plea agreement, a felony charge for violation of Penal Code section  
6 550, subdivision (a)(1), knowingly presenting a false and fraudulent claim for payment of loss  
7 under a contract of insurance, was dismissed.

8 b. On February 23, 2017, as a result of the conviction, Respondent was  
9 sentenced to be committed to the custody of the Riverside County Sheriff for 180 days, with  
10 credit for two days actually served and two days for good behavior, with the balance of 176 days  
11 to be served in the work release program. Respondent was granted formal probation for three  
12 years, under certain terms and conditions, and ordered to participate and complete a counseling,  
13 rehabilitation, or treatment program. Respondent was further ordered to pay pre-sentence  
14 incarceration costs, fees, assessments, fines, and restitution.

15 c. The facts that led to the conviction are that on or about May 11, 2015,  
16 Respondent filed an insurance claim seeking compensation for damages he allegedly suffered as  
17 a result of falling asleep while driving and hitting a cement barrier on May 8, 2015. The  
18 insurance company determined that Respondent had previously damaged his vehicle in another  
19 automobile accident on January 3, 2015. When confronted with the fact of the prior damage,  
20 Respondent told an insurance company representative that the prior damage to his vehicle was  
21 repaired by a "friend of a friend" when it had not been so repaired. On April 29, 2016, during an  
22 interview with a district attorney's investigator, Respondent admitted to lying about his  
23 insurance claim, his alleged payment to repair his vehicle and to the circumstances surrounding  
24 the damage to his vehicle.

### 25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Commission of Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

27 14. Respondent has subjected his Pharmacy Technician Registration to discipline  
28 under Code section 4301, subdivision (f), in that he committed acts involving moral turpitude,

1 dishonesty, fraud, deceit, and corruption when he submitted false statements in support of an  
2 insurance claim, as described in paragraph 13, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 15. Respondent has subjected his Pharmacy Technician Registration to disciplinary  
6 action under Code section 4301, in that he engaged in unprofessional conduct as described in  
7 paragraph 13 above, which are incorporated herein by reference.

8 **DISCIPLINARY CONSIDERATIONS**

9 16. To determine the degree of discipline, if any, to be imposed on Respondent  
10 pursuant to California Code of Regulations, title 16, section 1769, Complainant alleges:

11 a. On or about February 28, 2014, in Orange County Superior Court, case number  
12 14NM01874, Respondent was convicted on his plea of guilty to violating Vehicle Code sections  
13 23152, subdivisions (a), driving while under the influence and (b), driving with a BAC of .08 or  
14 more, a misdemeanor. As part of his plea agreement, Respondent admitted that he drove with a  
15 blood alcohol content of 0.16 percent on January 12, 2014. Respondent was granted summary  
16 probation for three years, ordered to pay all applicable fees and fines and ordered to enroll and  
17 successfully complete a six-month Level 2 First Offender Alcohol Program and a Mother's  
18 Against Drunk Driving Victim Impact Panel. On March 14, 2014, the Board issued a citation to  
19 Respondent for the DUI conviction, and assessed a \$450.00 administrative fine. Respondent only  
20 partially paid the citation.

21 b. On or about May 13, 2015, in Los Angeles County Superior Court, case number  
22 5JB01281, Respondent was convicted on his plea of nolo contendere of violating Vehicle Code  
23 section 23152(b), driving with a BAC of .08 or more, a misdemeanor, Vehicle Code section  
24 23540, committing a separate violation of section 23152, within ten years that resulted in a  
25 conviction and Vehicle Code section 14601.2(a), driving on a suspended license. He admitted as  
26 true, the prior conviction of violating section 23152(b). Respondent was placed on summary  
27 probation for three years, ordered to pay applicable fines and fees, engage in community service  
28 and to enroll and successfully complete an eighteen-month program of drug treatment or

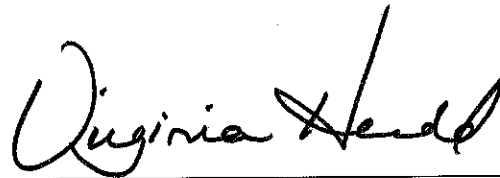
1 counseling pursuant to Health & Safety Code section 11837 and to complete a Mother's Against  
2 Drunk Driving Victim Impact Program. The facts that led to the conviction are that on or about  
3 January 3, 2015, Respondent hit another vehicle. His blood alcohol content was measured at 0.17  
4 percent. On September 11, 2015, the Board issued a citation to Respondent for the DUI  
5 conviction, and assessed a \$1,050.00 administrative fine. Respondent paid the citation.

6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH  
10 119441, issued to Sachin Sreekumar Nair;
- 11 2. Ordering Sachin Sreekumar Nair to pay the Board of Pharmacy the reasonable  
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
13 Code section 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 11/27/17



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

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

12 In the Matter of the Accusation Against:

Case No. 6219

13 **SACHIN SREEKUMAR NAIR**  
14 **12314 Kourtney Court**  
**Eastvale, CA 91752**

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

15 **Pharmacy Technician Registration No. TCH 119441**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On April 9, 2012, the Board issued Pharmacy Technician Registration Number  
24 TCH 119441 to Sachin Sreekumar Nair (Respondent). The Pharmacy Technician Registration  
25 was in full force and effect at all times relevant to the charges brought herein, and will expire on  
26 February 28, 2018, 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 (Code) unless otherwise  
4 indicated.

5 4. Code section 4300, subdivision (a), provides that every license issued by the Board  
6 may be suspended or revoked.

7 5. Code section 4300.1 states:

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

12 **STATUTORY PROVISIONS**

13 6. Code section 482 states:

14 Each board under the provisions of this code shall develop criteria to  
15 evaluate the rehabilitation of a person when:

- 16 (a) Considering the denial of a license by the board under Section 480; or  
17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation  
19 furnished by the applicant or licensee.

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

23 8. Code section 493 states:

24 Notwithstanding any other provision of law, successful completion of any  
25 diversion program under the Penal Code, or successful completion of an alcohol  
26 and drug problem assessment program under Article 5 (commencing with Section  
27 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit  
28 any agency established under Division 2 (commencing with Section 500) of this  
code, or any initiative act referred to in that division, from taking disciplinary  
action against a licensee or from denying a license for professional misconduct,  
notwithstanding that evidence of that misconduct may be recorded in a record  
pertaining to an arrest. This section shall not be construed to apply to any drug  
diversion program operated by any agency established under Division 2

1 (commencing with Section 500) of this code, or any initiative act referred to in  
2 that division.

3 9. Code section 4301 states, in pertinent part:

4 The board shall take action against any holder of a license who is guilty of  
5 unprofessional conduct or whose license has been issued by mistake.  
6 Unprofessional conduct shall include, but is not limited to, any of the following:

7 ...  
8 (f) The commission of any act involving moral turpitude, dishonesty,  
9 fraud, deceit, or corruption, whether the act is committed in the course of relations  
10 as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

11 ...  
12 (l) The conviction of a crime substantially related to the qualifications,  
13 functions, and duties of a licensee under this chapter. The record of conviction of  
14 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the  
15 United States Code regulating controlled substances or of a violation of the  
16 statutes of this state regulating controlled substances or dangerous drugs shall be  
17 conclusive evidence of unprofessional conduct. In all other cases, the record of  
18 conviction shall be conclusive evidence only of the fact that the conviction  
19 occurred. The board may inquire into the circumstances surrounding the  
20 commission of the crime, in order to fix the degree of discipline or, in the case of  
21 a conviction not involving controlled substances or dangerous drugs, to determine  
22 if the conviction is of an offense substantially related to the qualifications,  
23 functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction  
25 within the meaning of this provision. The board may take action when the time  
26 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal  
27 or when an order granting probation is made suspending the imposition of  
28 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.

22  
23 **REGULATORY PROVISIONS**

24 10. California Code of Regulations, title 16, section 1769, states:

25 ...  
26 (b) When considering the suspension or revocation of a facility or a  
27 personal license on the ground that the licensee or the registrant has been  
28 convicted of a crime, the board, in evaluating the rehabilitation of such person and  
his present eligibility for a license will consider the following criteria:

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- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

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 his license or registration in a manner consistent with the public health, safety, or welfare.

**COST RECOVERY**

12. Code section 125.3 provides, in pertinent part, that the Board may request the 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

**FIRST CAUSE FOR DISCIPLINE**

**(February 23, 2017 Conviction for Preparation of False Insurance Claim on May 11, 2015)**

13. Respondent subjected his Pharmacy Technician Registration to discipline under Code sections 490 and 4301, subdivision (l) in that he was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered pharmacy technician. The circumstances are as follows:

- a. On February 23, 2017, in a criminal proceeding entitled *The People of the State of California v. Sachin Sreekumar Nair*, in Riverside County Superior Court, Hall of Justice Courthouse, Case Number RIF1602950, Respondent was convicted on his plea of guilty

1 of violating Penal Code (PC) section 550, subdivision (b)(1), knowingly submitting fraudulent  
2 documents, a felony. A felony charge for violation of PC section 550, subdivision (a)(1),  
3 fraudulent insurance claim for payment of loss, was dismissed under a plea bargain.

4 b. On February 23, 2017, as a result of the conviction, Respondent was  
5 sentenced to be committed to the custody of the Riverside County Sheriff for 180 days, with  
6 credit for two days actually served and two days for good behavior, with the balance of 176 days  
7 to be served in the work release program. Respondent was granted formal probation for three  
8 years, under certain terms and conditions, and ordered to participate and complete a counseling,  
9 rehabilitation, or treatment program. Respondent was also ordered to provide a deoxyribonucleic  
10 acid (DNA) sample for the State DNA Database under PC section 296, subdivision (a).  
11 Respondent was further ordered to pay pre-sentence incarceration costs, fees, assessments, fines,  
12 and restitution.

13 c. The facts that led to the conviction are that Respondent insured his vehicle  
14 with an insurance company under policy number CCFIPS3731529. On January 3, 2015,  
15 Respondent's vehicle was damaged. Respondent claimed this damage was repaired but failed to  
16 provide proof of the repair. On May 11, 2015, Respondent filed another separate claim against  
17 his vehicle's insurance coverage due to damage that his vehicle allegedly sustained when he fell  
18 asleep behind the wheel on May 8, 2015. An insurance company's investigator examining  
19 Respondent's vehicle's damage noted that the damage to the vehicle in the January 3, 2015  
20 collision was the same as the damage in the May 8, 2015 collision. On April 29, 2016, during an  
21 interview with a district attorney's investigator and his insurance company's investigator,  
22 Respondent admitted to lying about paying \$4,000.00 for damage repair and to falling asleep and  
23 hitting a cement pole on May 8, 2015.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,  
26 Fraud, Deceit, or Corruption)**

27 14. Respondent has subjected his Pharmacy Technician Registration to discipline  
28 under Code section 4301, subdivision (f), in that he committed acts involving moral turpitude,

1 dishonesty, fraud, deceit, and corruption when he attempted to pass, as true and genuine, an  
2 insurance claim, knowing the same to be false, as described in paragraph 13, above.

3 **DISCIPLINARY CONSIDERATIONS**

4 15. To determine the degree of discipline, if any, to be imposed on Respondent,  
5 Complainant alleges:

6 a. On March 14, 2014, under Code section 4314, in conjunction with title 16  
7 of the California Code of Regulations, section 1775, the Board issued Respondent Citation  
8 Number CI 2013 60030 and imposed a fine of \$450.00 for the following:

9 i. Respondent violated Code section 4301, subdivision (h), for  
10 unprofessional conduct, use of alcoholic beverages to the extent or in a manner as to be  
11 dangerous or injurious to the oneself, to a person holding a license under this chapter, or to any  
12 other person or to the public, or to the extent that the use impairs the ability of the person to  
13 conduct with safety to the public the practice authorized by the license.

14 ii. Respondent violated Code section 4301, subdivision (l), for  
15 unprofessional conduct, in that Respondent was convicted of a crime substantially related to the  
16 qualifications, functions, and duties of a registered pharmacy technician.

17 b. On April 23, 2016, the Board received partial payment from Respondent  
18 for the fine in Board Citation Number CI 2013 60030.

19 c. On September 11, 2015, under Code section 4314, in conjunction with  
20 title 16 of the California Code of Regulations, section 1775, the Board issued Respondent  
21 Citation Number CI 2014 64215 and imposed a fine of \$1,050.00 for the following:

22 i. Respondent violated Code section 4301, subdivision (h), for  
23 unprofessional conduct, use of alcoholic beverages to the extent or in a manner as to be  
24 dangerous or injurious to the oneself, to a person holding a license under this chapter, or to any  
25 other person or to the public, or to the extent that the use impairs the ability of the person to  
26 conduct with safety to the public the practice authorized by the license.

27 ii. Respondent violated Code section 4301, subdivision (k), for  
28 unprofessional conduct, in that Respondent was convicted of more than one misdemeanor or any

