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

11 In the Matter of the Petition to Revoke
12 Probation Against:
13 SID CHAKRAVARTI
5416 Wellesley Drive
14 Calabasas, CA 91302
15 RPH License No. 40811
16 Respondent.

Case No. 2380
**DEFAULT DECISION
AND ORDER**
[Government Code § 11520]

17
18 FINDINGS OF FACT

- 19 1. On or about August 29, 2001, Complainant Patricia F. Harris, in her
20 official capacity as Executive Officer of the Board of Pharmacy, Department of
21 Consumer Affairs, State of California, filed Petition to Revoke Probation No. 2380
22 against Sid Chakravarti ("Respondent") before the Board of Pharmacy ("Board").
- 23 2. On or about September 7, 2001, Henrietta Gaviola, an employee of
24 the Department of Justice, served by Certified Mail a copy of the Petition to Revoke
25 Probation No. 2380, Statement to Respondent, Notice of Defense, Request for
26 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to
27 Respondent's address of record with the Board, which was and is 5416 Wellesley
28 Drive, Calabasas, CA 91302. A copy of the Petition to Revoke Probation, the

1 associated supplemental documents and Declaration of Service are available for
2 inspection at the Board's Offices and are incorporated herein by reference as though
3 fully set forth in their entirety.

4 3. The above-described service of the Petition to Revoke Probation
5 was effective as a matter of law pursuant to the provisions of Government Code section
6 11505, subdivision (c).

7 4. Government Code section 11506 states, in pertinent part:

8 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts of
10 the accusation not expressly admitted. Failure to file a notice of defense shall
11 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
12 may nevertheless grant a hearing."

13 5. Respondent failed to file a Notice of Defense within 15 days after
14 service upon him of the Petition to Revoke Probation, and therefore waived his right to
15 a hearing on the merits of Petition to Revoke Probation No. 2380.

16 6. California Government Code section 11520 states, in pertinent
17 part:

18 "(a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions
20 or upon other evidence and affidavits may be used as evidence without any notice to
21 respondent."

22 7. Pursuant to its authority under Government Code section 11520,
23 the Board finds Respondent is in default. The Board will take action without further
24 hearing and, based on Respondent's express admissions by way of default and the
25 evidence before it finds that the allegations, and each of them, in Petition to Revoke
26 Probation No. 2380 are true.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Sid
3 Chakravarti has subjected his RPH License No. 40811 to discipline.

4 2. A copy of the Petition to Revoke Probation and the related
5 documents and Declaration of Service are available for inspection at the Board's
6 Offices.

7 3. The agency has jurisdiction to adjudicate this case by default.

8 4. The Board is authorized to revoke Respondent's RPH License
9 based upon the following violations alleged in the Petition to Revoke Probation:

10 a. The Board is authorized to revoke Respondent's Pharmacist
11 License based upon the violation of conditions 1, 4, 7, 8, 9, and 16 of his
12 probation as alleged in the Petition to Revoke Probation No. 2380.

13 b. Respondent failed to obey the rules and regulations of the
14 Board as stated in his probation agreement.

15 c. Respondent failed to comply with the terms and conditions
16 of the Board's Probation Program.

17 d. Respondent was scheduled to take and pass the law section
18 of the pharmacist licensure examination on April 12, 2000 but failed to appear.

19 e. Respondent failed to submit the quarterly report due on
20 April 10, 2000 or any quarterly reports due subsequently thereafter.

21 f. Respondent failed to submit to peer review as required
22 by the Board.

23 g. Respondent failed to provide evidence of efforts to
24 maintain knowledge as a pharmacist.

25 h. Respondent failed to notify the Board of his current
26 employment status.

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

SID CHAKRAVARTI
5416 Wellesley Drive
Calabasas, CA 91302

RPH License No. 40811

Respondent.

Case No. 2380

ORDER

RPH License number 40811, heretofore issued to Respondent Sid Chakravarti, is hereby revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 30, 2002.

It is so ORDERED December 31, 2001

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


STEVE LITSEY
Board President

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of the State of California
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11 In the Matter of the Petition to Revoke
Probation Against:

12 SID CHAKRAVARTI
13 5416 Wellesley Drive
Calabasas, CA 91302

14 RPH License No. 40811

15 Respondent.

Case No. 2380

**PETITION TO REVOKE
PROBATION**

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18 Complainant alleges:

19 PARTIES

20 1. Patricia F. Harris ("Complainant") brings this Petition to Revoke
21 Probation solely in her official capacity as the Executive Officer of the Board of
22 Pharmacy, Department of Consumer Affairs.

23 2. On or about March 19, 1987, the Board of Pharmacy ("Board")
24 issued RPH License Number 40811 to Sid Chakravarti ("Respondent").

25 RESPONDENT'S PROBATION

26 3. In a disciplinary action entitled In the Matter of the Accusation
27 Against Sid Chakravarti, Case No. 2019, Respondent entered into a Stipulation in
28 Settlement and Decision ("Stipulation") on or about August 23, 1999. A copy of the

1 Stipulation is attached hereto as Exhibit A and incorporated herein by reference. On
2 December 6, 1999, the Board issued a Decision adopting the Stipulation as its Order.
3 (Exhibit A, p. 17.) The effective date of the Board's Decision and Order is January 5,
4 2000.

5 4. Paragraph 5 of the Stipulation states that Respondent was
6 "represented by counsel Herbert L. Weinberg, Esq. in this matter", and that Respondent
7 "fully and completely discussed with [his] counsel the effects of the [S]tipulation."

8 5. Pursuant to Paragraph 10 of the Stipulation, Respondent admitted
9 the truth of each and every allegation of the Accusation No. 2019 and agreed that he
10 subjected his license to discipline.

11 6. Pursuant to Paragraph C of the Order set forth at page 6 of the
12 Stipulation, Respondent's RPH license was revoked. However, the revocation was
13 stayed and Respondent's RPH license was placed on probation for three years
14 pursuant to the terms and conditions set forth in the Stipulation.

15 7. Term #1 of Respondent's probation, entitled "Examination",
16 provides that Respondent Chakravarti:

17 ". . . shall take and pass the law section of the pharmacist licensure
18 examination as scheduled by the Board after the effective date of this Decision.
19 Should [Respondent] fail said examination or fail to take said examination,
20 [Respondent] shall be suspended upon written notice. Said respondent shall not
21 resume the practice of pharmacy until he takes and passes the same section of
22 the examination at a subsequent examination and is notified, in writing, he has
23 passed said examination.

24 During suspension, if any, said respondent shall not enter any pharmacy
25 prescription area or any portion of the licensed premises of a wholesaler,
26 medical device retailer, or any other distributor of drugs which is licensed by the
27 Board, or any manufacturer, or where dangerous drugs, controlled substances,
28 or legend drugs are maintained. Said respondent shall not practice pharmacy or

1 do any act involving drug selection, selection of stock, manufacturing,
2 compounding, dispensing or patient consultation; nor shall respondent manage,
3 administer, or be a consultant to any licensee of the Board, or have access to or
4 control the ordering, manufacturing or dispensation of dangerous drugs or
5 controlled substances. Respondent shall not direct or control any aspect of the
6 practice of pharmacy. Subject to the above restrictions, respondent may
7 continue to own or hold an interest on any pharmacy in which he holds an
8 interest at the time this decision becomes effective.

9 Failure to take the examination within one year of the effective date of this
10 Decision shall be considered a violation of probation. Suspension and probation
11 for a respondent who violates this provision shall be extended until said
12 respondent passes the examination and is notified in writing; failure to pass the
13 examination within one year is a violation of probation."

14 8. Term #4 of Respondent's probation, entitled "Reporting to the
15 Board", provides that Respondent Chakravarti:

16 "... shall report to the Board or its designee quarterly. Said report shall
17 be made either in person, or in writing, as directed. If the final probation report is
18 not made as directed, the period of probation shall be extended until such time
19 as the final report is made."

20 9. Term #7 of Respondent's probation, entitled "Peer Review", states
21 that Respondent Chakravarti:

22 "... shall submit to peer review as deemed necessary by the Board."

23 10. Term #8 of Respondent's probation, entitled "Continuing
24 Education", states that Respondent Chakravarti:

25 "... shall provide evidence of efforts to maintain skill and knowledge as a
26 pharmacist as directed by the Board."

27 11. Term #9 of Respondent's probation, entitled "Notice to Employers", states
28 that Respondent Chakravarti:

1 “ . . . shall notify all present and prospective employers of the decision in
2 Accusation No. 2019 and the terms, conditions and restrictions imposed by said
3 decision. Within thirty (30) days of the effective date of this decision, and within
4 fifteen (15) days of a respondent undertaking new employment, said respondent
5 shall cause his employer to report to the Board in writing acknowledging the
6 employer has read the decision in Accusation No. 2019.

7 If [Respondent Chakravarti] works for, or is employed by or through a
8 pharmacy employment service, said respondent must notify the pharmacist-in-
9 charge and/or owner at every pharmacy at which he is to be employed or used of
10 the fact and terms of the decision in Accusation No. 2019 in advance of the
11 respondent commencing work at the pharmacy.

12 ‘Employment’ within the meaning of this provision shall include any full-
13 time, part-time, temporary or relief service as a pharmacist, whether the
14 respondent is considered an employee or independent contractor.”

15 12. Respondent failed to comply with the above described terms and
16 conditions of probation for the following reasons:

17 A. Pursuant to Term #1, Respondent is required to take and pass the
18 law section of the pharmacist licensure examination as scheduled by the Board
19 after the effective date of the Board’s Decision (i.e., January 5, 2000).
20 Respondent was scheduled to take the examination on April 12, 2000 but failed
21 to appear. To date, Respondent has failed to take and pass the law section of
22 the pharmacist licensure examination.

23 B. Pursuant to Term #4, Respondent is required to submit written
24 reports to the Board or its designee on a quarterly basis. Respondent has failed
25 to comply with Term #4 in that the Board did not receive Respondent’s quarterly
26 report due on April 10, 2000 nor any quarterly reports due subsequently
27 thereafter.

28 C. Pursuant to Term #7, Respondent is required to submit to peer

1 review as deemed necessary by the Board. To date, Respondent has failed to
2 submit to peer review as required by the Board.

3 D. Pursuant to Term #8, Respondent is required to provide evidence
4 of efforts to maintain knowledge as a pharmacist as directed by the Board. To
5 date, Respondent has failed to provide evidence of efforts to maintain knowledge
6 as a pharmacist.

7 E. Pursuant to Term #9, Respondent is required to notify all present
8 and prospective employers of the Board's Decision, and the terms, conditions
9 and restrictions imposed by the Decision, and to cause the employer to send
10 written notification to the Board acknowledging the employer has been notified of
11 the Board's Decision and the terms, conditions, and restrictions imposed
12 thereby. Respondent has failed to cause his current employer, if any, to send
13 written notification to the Board acknowledging the employer has been notified of
14 the Board's Decision and the terms, conditions, and restrictions imposed
15 thereby. Respondent has failed to notify the Board of his current employment
16 status. Consequently, Respondent is presumed to be working in a pharmacy
17 and, therefore, is in violation of Term #9 of his probation.

18 13. Respondent's probation is subject to revocation because of his failure to
19 comply with the above described terms and conditions of probation. Term #16 of
20 Respondent's probation, entitled "Violation of Probation", provides:

21 "Should [Respondent Chakravarti] violate probation in any respect, the
22 Board, after giving said respondent notice and an opportunity to be heard, may
23 revoke probation and carry out the disciplinary order which was stayed. If a
24 petition to revoke probation or an accusation is filed against either respondent
25 during probation, the Board shall have continuing jurisdiction until the matter is
26 final, and the period of probation for that particular respondent shall be extended
27 until the matter is final.

28 If a respondent has not complied with any term or condition of probation,

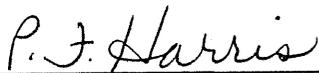
1 the Board shall have continuing jurisdiction over said respondent, and probation
2 shall automatically be deemed extended until all terms and conditions have been
3 met or the Board has taken other action as deemed appropriate to treat the
4 failure to comply as a violation of probation, to terminate probation, and to
5 impose the penalty which was stayed."

6 PRAYER

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

- 10 1 Revoking the probation that was granted by the Board of Pharmacy
11 in Case Number 2019 and imposing the disciplinary order that was stayed, thereby
12 revoking RPH License Number 40811 issued to Sid Chakravarti;
- 13 2. Revoking or suspending RPH License Number 40811, issued to
14 Sid Chakravarti;
- 15 3. Ordering Sid Chakravarti to pay the Board of Pharmacy the
16 reasonable costs of the investigation and enforcement of this case, pursuant to
17 Business and Professions Code section 125.3;
- 18 4. Taking such other and further action as deemed necessary and
19 proper.

20 DATED: 8/29/01.

21
22 
23 PATRICIA F. HARRIS
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant