

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

In the Matter of the Accusation Against:

**PRINCE SOHAL
6284 E. Andrews
Fresno, CA 93727**

Pharmacy Technician License No. TCH 68528

Respondent.

Case No. 3689

OAH No. 2010050619

DECISION AND ORDER

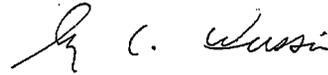
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 23, 2012.

It is so ORDERED on March 23, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

ORIGINAL

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

11 In the Matter of the Accusation Against:
12 **PRINCE SOHAL**
6284 E. Andrews
13 Fresno, CA 93727
14 Pharmacy Technician Registration
Number TCH 68528
15
16 Respondent.

Case No. 3689
OAH No. 2010050619
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy
23 ("Board"), Department of Consumer Affairs. She brought this action solely in her official
24 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
25 California, by Leslie A. Burgermyer, Deputy Attorney General.

26 2. Respondent Prince Sohal ("Respondent") is representing himself in this proceeding
27 and has chosen not to exercise his right to be represented by counsel.
28

1 a. An arrest or issuance of a criminal complaint for violation of any provision of
2 the Pharmacy Law, state and federal food and drug laws, or state and federal controlled
3 substances laws;

4 b. A plea of guilty or nolo contendere in any state or federal criminal proceeding to
5 any criminal complaint, information, or indictment;

6 c. A conviction of any crime;

7 d. Discipline, citation, or other administrative action filed by any state or federal
8 agency which involves Respondent's Pharmacy Technician Registration or which is related to the
9 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
10 for any drug, device or controlled substance.

11 Failure to timely report any such occurrence shall be considered a violation of probation.

12 3. **Report to the Board.** Respondent shall report to the Board quarterly, on a schedule
13 as directed by the Board or its designee. The report shall be made either in person or in writing,
14 as directed. Among other requirements, Respondent shall state in each report under penalty of
15 perjury whether there has been compliance with all the terms and conditions of probation. Failure
16 to submit timely reports in a form as directed shall be considered a violation of probation. Any
17 period(s) of delinquency in submission of reports as directed may be added to the total period of
18 probation. Moreover, if the final probation report is not made as directed, probation shall be
19 automatically extended until such time as the final report is made and accepted by the Board.

20 4. **Interview with the Board.** Upon receipt of reasonable prior notice, Respondent
21 shall appear in person for interviews with the board or its designee, at such intervals and locations
22 as are determined by the board or its designee. Failure to appear for any scheduled interview
23 without prior notification to Board staff, or failure to appear at two (2) or more scheduled
24 interviews with the board or its designee during the period of probation, shall be considered a
25 violation of probation.

26 5. **Cooperate with Board Staff.** Respondent shall cooperate with the Board's
27 inspection program and with the Board's monitoring and investigation of respondent's compliance

28 ///

1 with the terms and conditions of his probation. Failure to cooperate shall be considered a
2 violation of probation.

3 6. **Notice to Employers.** During the period of probation, Respondent shall notify all
4 present and prospective employers of the decision in Accusation No. 3689 and the terms,
5 conditions, and restrictions imposed on Respondent by the Decision and Order, as follows:

6 Within thirty (30) days of the effective date of this Decision and Order, and within fifteen
7 (15) days of Respondent undertaking any new employment, Respondent shall cause his direct
8 supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during
9 respondent's tenure of employment) and owner to report to the Board in writing acknowledging
10 that the listed individual(s) has/have read the decision in Accusation No. 3689 and the terms and
11 conditions imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s)
12 and/or supervisor(s) submit timely acknowledgement(s) to the Board.

13 If Respondent works for or is employed by or through a pharmacy employment service,
14 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
15 of the terms and conditions of the decision in Accusation No. 3689 in advance of the Respondent
16 commencing work at each pharmacy. A record of this notification must be provided to the Board
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this Decision and Order, and
19 within fifteen (15) days of Respondent undertaking any new employment by or through a
20 pharmacy employment service, Respondent shall cause his direct supervisor with the pharmacy
21 employment service to report to the Board in writing acknowledging that he has read the Decision
22 in Accusation No. 3689 and the terms and conditions imposed thereby. It shall be Respondent's
23 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledg-
24 ment(s) to the Board.

25 Failure to timely notify present or prospective employer(s) or to cause that/those
26 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
27 probation.

28 ///

1 "Employment" within the meaning of this provision shall include any full-time, part-
2 time, temporary or relief service or pharmacy management service as a pharmacy
3 technician or in any position for which a pharmacy technician license is a requirement or
4 criterion for employment, whether the respondent is considered an employee, independent
5 contractor or volunteer.

6 7. **Reimbursement of Board Costs.** As a condition precedent to successful completion
7 of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the
8 amount of \$3,952.50. Respondent shall make said payments in a payment plan approved by the
9 Board. There shall be no deviation from this schedule absent prior written approval by the Board
10 or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation
11 of probation.

12 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
13 reimburse the Board its costs of investigation and prosecution.

14 8. **Probation Monitoring Costs.** Respondent shall pay any costs associated with
15 probation monitoring as determined by the Board each and every year of probation. Such costs
16 shall be payable to the Board on a schedule as directed by the Board or its designee. Failure to
17 pay such costs by the deadline(s) as directed shall be considered a violation of probation

18 9. **Status of License.** Respondent shall, at all times while on probation, maintain an
19 active, current pharmacy technician license with the Board, including any period during which
20 suspension or probation is tolled. Failure to maintain an active, current license shall be
21 considered a violation of probation.

22 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of
23 law or otherwise at any time during the period of probation, including any extensions thereof due
24 to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
25 terms and conditions of this probation not previously satisfied.

26 10. **License Surrender While on Probation or Suspension.** Following the effective
27 date of this Decision, should Respondent cease work due to retirement or health, or be otherwise
28 unable to satisfy the terms and conditions of probation, Respondent may tender his pharmacy

1 technician license to the Board for surrender. The Board or its designee shall have the discretion
2 whether to grant the request for surrender or take any other action it deems appropriate and
3 reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be
4 subject to the terms and conditions of probation. This surrender constitutes a record of discipline
5 and shall become a part of the Respondent's license history with the Board.

6 Upon acceptance of the surrender, Respondent shall relinquish his pharmacy technician
7 license to the board within ten (10) days of notification by the Board that the surrender is
8 accepted. Respondent may not reapply for any license, permit, or registration from the Board for
9 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
10 applicable to the license sought as of the date the application for that license is submitted to the
11 Board.

12 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
13 **Employment.** Respondent shall notify the board in writing within ten (10) days of any change of
14 employment. Said notification shall include the reasons for leaving, the address of the new
15 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
16 shall further notify the board in writing within ten (10) days of a change in name, residence
17 address and mailing address, or phone number.

18 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
19 phone number(s) shall be considered a violation of probation.

20 **12. Tolling of Probation.** Except during periods of suspension, Respondent shall, at all
21 times while on probation, be employed as a Pharmacy Technician in California for a minimum of
22 twenty (20) hours per calendar month. Any month during which this minimum is not met shall
23 toll the period of probation, i.e., the period of probation shall be extended by one month for each
24 month during which this minimum is not met. During any such period of tolling of probation,
25 respondent must nonetheless comply with all terms and conditions of probation.

26 Should Respondent, regardless of residency, for any reason (including vacation) cease
27 working as a Pharmacy Technician for a minimum of twenty (20) hours per calendar month in
28 California, Respondent must notify the Board in writing within ten (10) days of cessation of work

1 and must further notify the Board in writing within ten (10) days of the resumption of the work.
2 Any failure to provide such notification(s) shall be considered a violation of probation.

3 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
4 provisions of this condition for a total period, counting consecutive and non-consecutive months,
5 exceeding thirty-six (36) months.

6 "Cessation of work" means calendar month during which Respondent is not working
7 for at least twenty (20) hours as a Pharmacy Technician. "Resumption of work" means any
8 calendar month during which Respondent is working as a Pharmacy Technician for at least
9 twenty (20) hours as a Pharmacy Technician as defined by Business and Professions Code
10 section 4115.

11 **13. Violation of Probation.** If Respondent has not complied with any term or condition
12 of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall
13 automatically be extended, until all terms and conditions have been satisfied or the board has
14 taken other action as deemed appropriate to treat the failure to comply as a violation of probation,
15 to terminate probation, and to impose the penalty that was stayed (revocation).

16 If Respondent violates probation in any respect, the Board, after giving respondent notice
17 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
19 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
20 a petition to revoke probation or an accusation is filed against Respondent during probation, the
21 Board shall have continuing jurisdiction, and the period of probation shall be automatically
22 extended until the petition to revoke probation or accusation is heard and decided.

23 **14. Completion of Probation.** Upon written notice by the Board indicating successful
24 completion of probation, Respondent's Pharmacy Technician license will be fully restored.

25 **15. No Ownership of Licensed Premises.** Respondent shall not own, have any legal or
26 beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee,
27 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
28 licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any

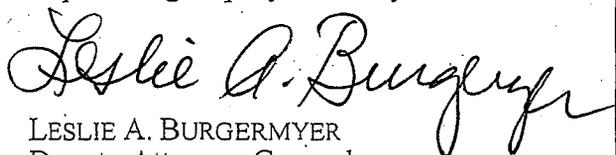
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 10-26-2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General



LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

SA2010101169 / 1076836.doc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Accusation No. 3689

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3689

12 **PRINCE SINGH SOHAL**
5144 W. Austin Way
13 Fresno, CA 93722

A C C U S A T I O N

14 Pharmacy Technician License
15 Number 68528

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about April 6, 2006, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 68528 to Prince Singh Sohal (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on July 31, 2011, unless renewed.

27 ///

28 ///

1 (p) Actions or conduct that would have warranted denial of a license.

2 **COST RECOVERY**

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

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Criminal Conviction)

9 8. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
10 subdivision (l), on the grounds of unprofessional conduct in that on November 17, 2009,
11 Respondent was convicted in the case titled *People v. Prince Singh Sohal*, Sutter County Case
12 No. CRF09-0617, on his plea of no contest to violating Penal Code section 594(b)(1)
13 vandalism/malicious mischief), a felony. Said crime is substantially related to the qualifications,
14 functions, and duties of a pharmacy technician. The circumstances are as follows:

15 9. On or about November 8, 2009, Respondent and four males, in an orchard in Sutter
16 County, California, beat a vehicle with a bat and then set it on fire. The vehicle, a 2006 Mazda
17 sedan, belonged to a non-present sixth male who was a friend of Respondent's. Law enforcement
18 officers arrived at the scene of the fire and interviewed the five males, including Respondent.
19 The arresting police officer observed that Respondent emitted a strong odor of gasoline.
20 Respondent stated to the officer that he had spilled some gasoline on his clothing while he was
21 fueling his own vehicle. He denied knowledge of the fire. The officers located gas containers,
22 the Mazda's license plates, and a bat in the back of a truck, in which Respondent was a passenger,
23 at the scene. Respondent committed said act to assist the owner of the vehicle to obtain insurance
24 monies relating to the vehicle.

25 **SECOND CAUSE FOR DISCIPLINE**

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

27 10. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
28 subdivision (f), on the grounds of unprofessional conduct in that on or about November 8, 2009,

1 Respondent committed an act or acts involving moral turpitude, dishonesty, fraud, deceit, or
2 corruption as set forth in paragraph 9, above, incorporated herein by this reference.

3 PRAYER

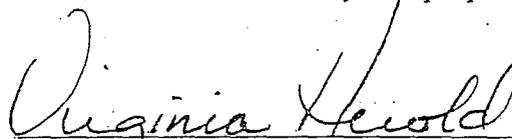
4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 68528,
7 issued to Respondent Prince Singh Sohal.

8 2. Ordering Respondent Prince Singh Sohal to pay the Board of Pharmacy the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

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

12
13 DATED: 9/23/10



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

14
15
16
17 SA2010101169 / 10574666