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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 Accusation Against:

Case No. 4087

12 **AMINISH SINGH**  
13 **9480 Hillsborough Way**  
14 **Chowchilla, CA 93610**

**DEFAULT DECISION AND ORDER**

15 **Pharmacy Technician License No. TCH**  
**80448**

[Gov. Code, §11520]

16 Respondent.

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18 **FINDINGS OF FACT**

19 1. On or about July 14, 2011, Complainant Virginia Herold, in her official capacity as  
20 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
21 Accusation No. 4087 against Aminish Singh (Respondent) before the Board of Pharmacy.  
22 (Accusation attached as Exhibit A.)

23 2. On or about January 7, 2008, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician License No. TCH 80448 to Respondent. The Pharmacy Technician License was in  
25 full force and effect at all times relevant to the charges brought in Accusation No. 4087 and  
26 expired on June 30, 2011. This lapse in licensure, however, pursuant to Business and Professions  
27 Code section 118(b) and/or agency-specific statute does not deprive the Board of its authority to  
28 institute or continue this disciplinary proceeding.

1           3.    On or about July 20, 2011, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 4087, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board, which was and is: 9480 Hillsborough  
6 Way, Chowchilla, CA 93610.

7           4.    Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10          5.    Government Code section 11506 states, in pertinent part:

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

16          6.    Respondent failed to file a Notice of Defense within 15 days after service upon him  
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
18 4087.

19          7.    California Government Code section 11520 states, in pertinent part:

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

24          8.    Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 4087, finds that  
the charges and allegations in Accusation No. 4087, are separately and severally, found to be true  
and correct by clear and convincing evidence.

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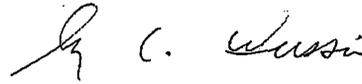
ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 80448, heretofore issued to Respondent Aminish Singh, is 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 November 23, 2011.

It is so ORDERED October 24, 2011.



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STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
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2 ARTHUR D. TAGGART  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the Accusation Against:

Case No. 4087

12 **AMINISH SINGH**

13 **9480 Hillsborough Way**  
**Chowchilla, CA 93610**

**ACCUSATION**

14 **Pharmacy Technician License**  
15 **No. TCH 80448**

16 Respondent.

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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 January 7, 2008, the Board of Pharmacy issued Pharmacy Technician  
23 License Number TCH 80448 to Aminish Singh (Respondent). The Pharmacy Technician License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 June 30, 2011, unless renewed.

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

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15 6. Section 4060 of the Code states:

16 No person shall possess any controlled substance, except that furnished to a person  
17 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
18 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order  
19 issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner  
20 pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or  
21 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either  
22 subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph  
23 (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession  
24 of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,  
25 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
26 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers  
27 correctly labeled with the name and address of the supplier or producer.

28 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
physician assistant, or a naturopathic doctor, to order his or her own stock of  
dangerous drugs and devices.

15 7. Health and Safety Code section 11350, subdivision (a), states:

16 Except as otherwise provided in this division, every person who possesses (1) any  
17 controlled substance specified in subdivision (b) or (c), or paragraph (1) of  
18 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of  
19 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section  
20 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
21 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon  
22 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to  
23 practice in this state, shall be punished by imprisonment pursuant to subdivision (h)  
24 of Section 1170 of the Penal Code.

25 8. Section 118, subdivision (b), of the Code provides that the expiration of a license  
26 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
27 within which the license may be renewed, restored, reissued or reinstated.

#### 28 COST RECOVERY

9. Section 125.3 of the Code states, 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.

1 DRUGS

2 10. "Vicodin" and "Norco" are brand names for Hydrocodone, which is a Schedule III  
3 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4),  
4 and a dangerous drug as defined in Code section 4022.

5 11. "Viagra" is a brand name for Sildenafil, which is a dangerous drug as defined in Code  
6 section 4022.

7 FIRST CAUSE FOR DISCIPLINE

8 (Dishonest or Corrupt Acts)

9 12. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that  
10 he committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. The  
11 circumstances are as follows:

12 13. Between approximately March of 2010 and August of 2010, Respondent stole  
13 approximately 23,000 tablets of hydrocodone-containing schedule III controlled substance  
14 medications and 60 tablets of Viagra, a dangerous drug, from CVS Pharmacy of Merced,  
15 California, while on duty as a licensed pharmacy technician.

16 SECOND CAUSE FOR DISCIPLINE

17 (Unlawful Possession of Controlled Substances)

18 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
19 (o), in that he violated the statutes of this state regulating controlled substances and dangerous  
20 drugs. The circumstances are as follows:

21 15. Between approximately March of 2010 and August of 2010, Respondent stole  
22 approximately 23,000 tablets of hydrocodone-containing schedule III controlled substance  
23 medications. Respondent was in possession of the stolen hydrocodone, without a prescription for  
24 that controlled substance, in violation of Code section 4060 and Health and Safety Code section  
25 11350, subdivision (a).

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1 THIRD CAUSE FOR DISCIPLINE

2 (Unlawful Self-Administration of a Controlled Substance)

3 16. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
4 that he administered controlled substances to himself. The circumstances are as follows:

5 17. Between approximately March of 2010 and August of 2010, per his own admission,  
6 Respondent self-administered hydrocodone-containing schedule III controlled substances, in  
7 violation of law.

8 PRAYER

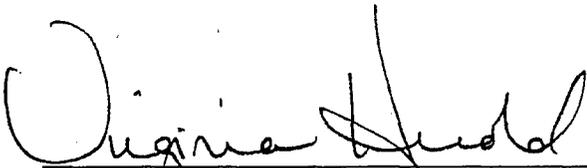
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacy Technician License Number TCH 80448, issued  
12 to Aminish Singh.;

13 2. Ordering Aminish Singh to pay the Board of Pharmacy the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3;

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

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19 DATED: 7/14/11

  
20 VIRGINIA HEROLD  
21 Executive Officer  
22 Board of Pharmacy  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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