

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

In the Matter of the Statement of Issues Against:

Case No. 4100

ASHVEER S. BAJWA

OAH NO. 2012101145

Pharmacy Technician License Applicant

Respondent.

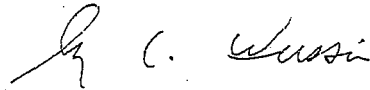
DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 13, 2014.

It is so ORDERED on December 13, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

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

In the Matter of the Statement of Issues
Against:

ASHVEER S. BAJWA,

Respondent.

Case No. 4100

OAH No. 2012101145

PROPOSED DECISION

This matter was heard by Karl S. Engeman, Administrative Law Judge, Office of Administrative Hearings, State of California, on June 19, 2013, in Sacramento, California.

Lorrie M. Yost, Deputy Attorney General, represented complainant.

Respondent Ashveer S. Bajwa appeared and represented himself.

Evidence was received and the record was left open for the receipt of character evidence letters to be submitted by respondent. Three letters were received on August 19, 2013, marked collectively as respondent's exhibit A, and received as supplemental hearsay to corroborate respondent's testimony at the administrative hearing. The matter was submitted on August 19, 2013.¹

FACTUAL FINDINGS

1. Virginia Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, State of California, brought the Statement of Issues solely in her official capacity.

¹ The letters were to be submitted to Deputy Attorney General Yost on or before July 12, 2013, and forwarded, along with any objections, to the Office of Administrative Hearings. Due to a misunderstanding about the process, the documents were not received by the Office of Administrative Hearings until August 19, 2013.

2. On September 8, 2010, the Board received an application for registration as a Pharmacy Technician from respondent. The Board denied the application on March 21, 2011, and respondent appealed the denial.

3. On August 31, 2004, in the Superior Court of San Joaquin County, respondent was convicted on his plea of nolo contendere of violating Vehicle Code section 23222, subdivision (b), vehicle driver in possession of more than one ounce of Marijuana, a misdemeanor. The court suspended the imposition of sentence and placed respondent on conditional (informal) probation for three years. The terms of probation included a fine and assessments of approximately \$555 and the requirement that respondent obey all laws. The conviction followed a traffic stop by the Tracy Police Department for vehicle equipment violations on March 31, 2004, and discovery of 28.5 grams of marijuana in respondent's possession.

4. On December 15, 2010, in the Superior Court of San Joaquin County, respondent was convicted on his plea of nolo contendere of violating Vehicle Code section 23152, subdivision (b), driving a vehicle with a blood alcohol level of at least .08 percent, a misdemeanor. The court suspended the imposition of sentence and placed respondent on conditional probation for three years. The terms included fines and assessments totaling approximately \$3,500, 30 days in the county jail with approval to participate in an alternative work program and completion of a nine-month first offender drinking driver program. The circumstances underlying this offense were that respondent had left his home to go to a McDonald's restaurant to get breakfast after drinking all night to celebrate a cousin's birthday at a casino in Jackson, California. Respondent ran a red light and his vehicle was struck on the passenger's side by a car entering the intersection from respondent's right. Respondent abandoned his vehicle and began walking home when he was picked up by his father who happened along. When respondent refused to tell his father what had occurred and his father observed that he was intoxicated, his father ordered respondent out of the car and respondent continued walking home. Respondent walked the rest of the way home and was arrested there for hit and run driving causing injury. The offense was reduced to the Vehicle Code section to which respondent pled nolo contendere. Blood was forcibly obtained from respondent and his blood alcohol reading was .20 percent.

5. Respondent is 27 years old. He has a high school diploma (GED) and received his training to become a pharmacy technician at ACI, a career college, which he attended from October 6, 2008, until November 6, 2009. The course included a 160 hour externship at Hilmar Pharmacy in Hilmar, California. From 2008 until 2011, respondent worked as security for Diamond Foods in Stockton, California. He was unemployed at the time of the administrative hearing, drawing unemployment benefits. He takes computer programming language (Java) courses at Los Positas Community College.

6. Respondent attributes his first conviction to youthful indiscretion as he was 18 at the time. He acknowledges that his second conviction showed poor judgment when he decided to drive to McDonald's after drinking for hours. Since the second conviction, he has

stopped drinking alcohol altogether. He attended Alcoholics Anonymous meetings twice a week with his uncle, a recovering alcoholic, from January of 2011 until the end of 2011. He stopped going because he did not regard himself as a problem drinker and did not like the meetings. However, he started going to the meetings to learn about alcohol abuse.

7. Respondent remains on probation for the second offense until December of 2013. He completed the jail sentence and the first offender drinking driving program. The latter lasted the required nine months and respondent attended meetings either once or twice a week lasting two hours each for a total of approximately 150 to 160 hours. He pays \$50 each month towards the fines and assessments and owes approximately \$1,800 of the original amount.

8. The three letters submitted by respondent all corroborated respondent's assertion that he has stopped drinking. The first was written by his mother who sees him virtually every day and confirmed that he has had no drinks for "a couple years now." According to her, respondent has made drastic changes in his life. The second letter was written by a person who has known respondent for many years. He described respondent as a "casual" drinker initially and over time respondent's drinking became a habit. He stated that respondent stopped drinking after the "bad accident" and really reformed himself. The third letter was written by an acquaintance who has observed a significant change in respondent's behavior and responsibility. Respondent is now making an effort to build a career. The author confirmed respondent's attendance at Alcoholics Anonymous meetings.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4300, subdivision (c), reads:

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.

(5) Abstention from the use of alcohol or drugs.

(6) Random fluid testing for alcohol or drugs.

(7) Compliance with laws and regulations governing the practice of pharmacy.

2. Business and Professions Code section 480, subdivision (a)(1), reads:

(a) A board may deny a license regulated by this code on the grounds (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code.

3. Business and Professions Code section 4301, subdivisions (j) and (l), reads:

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

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

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

4. Respondent's application is subject to denial pursuant to Business and Profession Code sections 480, subdivision (a)(1), and 4300, subdivision (c), in conjunction with section 4301, subdivisions (j) and (l) based on Factual Finding 3. Respondent was convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician and a state statute regulating controlled substances. The Board's criteria for determination whether a crime is substantially related to the qualifications, duties and functions of a licensee are contained in California Code of Regulations, title 16, section 1770, which defines the phrase to mean that the crime evidences present or potential fitness to perform the functions of the particular pharmacy license at issue. No testimony, expert or otherwise, was required to establish that pharmacy technicians usually have ready access to controlled substances and any offense involving illegal possession of such substances evidences present or potential unfitness to perform the work of a pharmacy technician.

5. Respondent's application is subject to denial pursuant to Business and Profession Code sections 480, subdivision (a)(1), and 4300, subdivision (c), in conjunction with section 4301, subdivision (l), based on Factual Finding 4. Respondent was convicted of a second crime substantially related to the qualifications, duties and functions of a pharmacy technician. The evidence as a whole established that respondent's drinking habits that led to the collision with another car and his arrest for driving with a blood alcohol slightly less than three times the legal limit evidence potential unfitness to perform the duties of a pharmacy technician. Although this was his first drinking driving offense, the court was sufficiently concerned that it imposed a 30 day jail sentence and an extended (nine-month) drinking driver program as conditions of probation. One of respondent's character reference letters noted his habitual drinking before the offense and all three letters confirmed that he stopped drinking altogether after the accident. To his credit, respondent voluntarily attended Alcoholics Anonymous for a year. In summary, respondent's pattern of alcohol abuse creates at least a potential risk when he has access to dangerous drugs and controlled substances in a pharmacy setting.

6. The Board, in California Code of Regulations, title 16, section 1769, established criteria for rehabilitation following one or more convictions:

(a) When considering the denial of a facility or personal license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for licensing or registration, will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 489 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(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:

(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.

7. Applying the Board's criteria for rehabilitation, the offenses were both misdemeanors and one occurred when respondent was only 18. There is no indication of any further violations of law. It has been nine years since the first offense and two and one half years since the second. Respondent successfully completed probation for the 2004 offense and while he remains on probation for the second, he has completed the jail sentence and the drinking driving program and is making regular monthly payments to satisfy the fines and assessments imposed by the court. Respondent has ceased drinking altogether and his sobriety has endured at least two years. He attends community college. All things considered, respondent is a suitable candidate for issuance of a probationary pharmacy technician license.

ORDER

Respondent Ashveer S. Bajwa's application for registration as a Pharmacy Technician is denied. However, upon satisfactory of all statutory and regulatory requirements for issuance of a license, a license shall be issued to respondent and immediately revoked; the order of revocation is stayed and respondent is placed on probation for five (5) years upon the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations. Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime;
- any discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacist technician license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance. Failure to timely report such occurrence shall be considered a violation of probation.

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2. Report to the Board

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

3. Interview with the Board

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

4. Cooperate with Board Staff

Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of respondent's compliance with the terms and conditions of his probation. Failure to cooperate shall be considered a violation of probation.

5. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 4100 and the terms, conditions and restrictions imposed on Respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in case number 4100, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity licensed by the Board of the terms and conditions of the decision in case number

4100 in advance of respondent commencing work at each licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his direct supervisor with the pharmacy employment service to report to the Board in writing acknowledging that he has read the decision in case number 4100 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

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

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

6. Probation Monitoring Costs

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

7. Status of License

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

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

8. License Surrender While on Probation/Suspension

Following the effective date of this decision and the reinstatement of his license, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his pharmacy technician license to the Board for surrender. The Board or its designee shall have the

discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of respondent's license history with the Board.

Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

9. Notification of a Change in Name, Residence Address, Mailing Address or Employment

Respondent shall notify the Board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known. Respondent shall further notify the Board in writing within ten (10) days of a change in name, residence address, mailing address, or phone number.

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

10. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of forty (40) hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease practicing as a pharmacy technician for a minimum of twenty (20) hours per week each calendar month in California, respondent must notify the Board in writing within ten (10) days of the cessation of practice, and must further notify the Board in writing within ten (10) days of the resumption of practice. Any failure to provide such notification(s) shall be considered a violation of probation.

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

“Cessation of practice” means any calendar month during which respondent is not practicing as a pharmacy technician for at least twenty (20) hours per week per calendar month, as defined by Business and Professions Code section 4000 et seq. “Resumption of practice” means any calendar month during which Respondent is practicing as a pharmacy technician for at least 20 hours per week per calendar month as a pharmacy technician as defined by Business and Professions Code section 4115.

11. Random Drug Screening

Respondent, at his own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening program as directed by the Board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the Board or its designee. At all times, respondent shall fully cooperate with the Board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or its designee may direct.

Failure to timely submit to testing as directed shall be considered a violation of probation.

Upon request of the Board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of petitioner.

Failure to timely provide such documentation shall be considered a violation of probation.

Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the automatic suspension of practice of pharmacy by petitioner. Respondent may not resume work until notified by the Board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding, or dispensing; nor shall respondent manage, administer, or assist any licensee of the Board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the Board.

Failure to comply with this suspension shall be considered a violation of probation.

12. Abstain from Drugs and Alcohol Use²

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the Board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of respondent. Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

13. Violation of Probation

If respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license.

If a petition to revoke probation or an accusation is filed against respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

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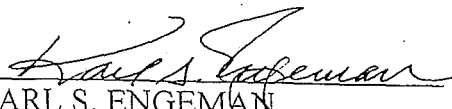
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² The optional condition requiring a probationer to attend an abuse relapse support group was not included because respondent completed a lengthy alcohol rehabilitation program ordered by the court, he regularly attended Alcoholics Anonymous meetings for a year, and he has been sober for more than two years. In addition, he will be subject to random biological fluid testing to ensure his continued sobriety.

14. Completion of Probation

Upon written notice by the Board or its designee indicating successful completion of probation, respondent's license will be fully restored.

DATED: October 29, 2013


KARL S. ENGEMAN
Administrative Law Judge
Office of Administrative Hearings

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Attorney General of California
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7 *Attorneys for Complainant*

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

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12

In the Matter of the Statement of Issues Against:

Case No. 4100

13

ASHVEER S. BAJWA
2031 Basque Drive
14 Tracy, CA 95304

STATEMENT OF ISSUES

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Applicant/Respondent.

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Complainant alleges:

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PARTIES

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

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2. On or about September 8, 2010, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for registration as a Pharmacy Technician from Ashveer S. Bajwa
23 (Respondent). On or about March 28, 2010, Ashveer S. Bajwa certified under penalty of perjury
24 to the truthfulness of all statements, answers, and representations in the application. The Board
25 denied the application on March 1, 2011.

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1 qualifications, functions, and duties of a licensee under this chapter. A
2 plea or verdict of guilty or a conviction following a plea of nolo
3 contendere is deemed to be a conviction within the meaning of this
4 provision.”

5 6. Section 480 of the Business and Professions Code provides, in pertinent part, that a
6 board may deny a license if the applicant has been convicted of a crime substantially related to
7 the qualifications, functions or duties of the business or profession for which application is made,
8 has committed any act involving dishonesty, fraud or deceit, has committed any act which if done
9 by a licentiate would be grounds for suspension or revocation of a license, or has knowingly made
10 a false statement of fact required to be revealed in the application.

11 FIRST CAUSE FOR DENIAL OF APPLICATION

12 (Conviction of a Crime)

13 7. Respondent's application is subject to denial under section 480, subdivision (a)(1) and
14 section 4300, subdivision (c) as it interacts with section 4301, subdivisions (j) and (l), in that on
15 or about August 31, 2004, in a criminal proceeding entitled People v. Ashveer Bajwa in San
16 Joaquin Superior Court, Case Number 608241, Respondent was convicted by plea of nolo
17 contendere of violating Vehicle Code section 23222, subdivision (b) (possession, while driving a
18 motor vehicle upon a highway, of not more than one avoirdupois ounce of marijuana), a
19 misdemeanor. The circumstances are that on or about March 31, 2004, Respondent possessed
20 marijuana while driving.

21 SECOND CAUSE FOR DENIAL OF APPLICATION

22 (Conviction of a Crime)

23 8. Respondent's application is subject to denial under section 480, subdivision (a)(1) and
24 section 4300 subdivision (c) as it interacts with section 4301 subdivision (l), in that on or about
25 December 15, 2010, in a criminal proceeding entitled People v. Ashveer Bajwa in San Joaquin
26 Superior Court, Case Number TM115357A, Respondent was convicted by plea of nolo
27 contendere of violating Vehicle Code section 23152, subdivision (b) (driving while having a
28 blood alcohol content of .08% or above), a misdemeanor. The circumstances are that on or about

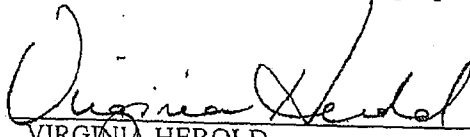
1 August 7, 2010, while having a blood alcohol content of over .08, Respondent drove his car
2 through a red light and collided with another vehicle, injuring its driver.

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. Denying the application of Ashveer S. Bajwa for a registration as a Pharmacy
7 Technician;
8 2. Taking such other and further action as deemed necessary and proper.

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10 DATED: 10/3/12


11 VIRGINIA HEROLD
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California
16 Complainant

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