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

12 In the Matter of the Accusation Against:

Case No. 5395

13 **WILLIAM RAJAN PAL**  
14 **8409 Deer Fern Court**  
15 **Antelope, California 95843**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

16 **Pharmacy Technician Registration No. TCH**  
17 **108853**

18 Respondent.

19  
20 **FINDINGS OF FACT**

21 1. On or about November 10, 2015, Complainant Virginia K. Herold, in her official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
23 filed Accusation No. 5395 against William Rajan Pal (Respondent) before the Board of  
24 Pharmacy. (Accusation attached as Exhibit A.)

25 2. On or about December 9, 2010, the Board of Pharmacy (Board) issued Pharmacy  
26 Technician Registration No. TCH 108853 to Respondent. The Pharmacy Technician Registration  
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 5395  
28 and will expire on June 30, 2016, unless renewed.

1           3.     On or about November 25, 2015, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 5395, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is:

7     8409 Deer Fern Court  
8     Antelope, California 95843.

9           4.     Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12           5.     On or about November 30, 2015, a Domestic Return Receipt was returned by the U.S.  
13 Postal Service from Respondent's address of record.

14           6.     Government Code section 11506 states, in pertinent part:

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

20           7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
22 5395.

23           8.     California Government Code section 11520 states, in pertinent part:

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

28           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 5395, finds that  
2 the charges and allegations in Accusation No. 5395, are separately and severally, found to be true  
3 and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and  
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
6 and Enforcement is \$2,897.50 as of March 7, 2016.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent William Rajan Pal has subjected  
9 his Pharmacy Technician Registration No. TCH 108853 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
12 Registration based upon the following violations alleged in the Accusation which are supported  
13 by the evidence contained in the Default Decision Evidence Packet in this case:

14 a. Respondent violated Business and Professions Code section 4301(l), on the grounds  
15 of unprofessional conduct, in that Respondent was convicted of crimes that are substantially  
16 related to the qualifications, functions, and duties of a licensed pharmacy technician.

17 b. Respondent violated Business and Professions Code section 4301(j), on the grounds  
18 of unprofessional conduct, in that Respondent violated statutes regulating controlled substances  
19 and dangerous drugs.

20 c. Respondent violated Business and Professions Code section 4301(h), on the grounds  
21 of unprofessional conduct, in that Respondent used marijuana, a controlled substance, in a  
22 manner as to be dangerous or injurious to himself, others, and the public.

23 d. Respondent violated Business and Professions Code section 4301(f), on the grounds  
24 of unprofessional conduct, in that Respondent committed an act involving moral turpitude,  
25 dishonesty, fraud, deceit, or corruption.

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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.

It is so ORDERED on April 6, 2016.

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Amy Gutierrez, Pharm.D.  
Board President

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(WILLIAM RAJAN PAL)

1 KAMALA D. HARRIS  
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2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 DAVID E. BRICE  
Deputy Attorney General  
4 State Bar No. 269443  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-8010  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5395

12 **WILLIAM RAJAN PAL**  
8409 Deer Fern Court  
13 Antelope, California 95843

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

14 **Pharmacy Technician Registration**  
15 **No. TCH 108853**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 **Pharmacy Technician Registration**

22 2. On or about December 9, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 108853 to William Rajan Pal ("Respondent"). The pharmacy  
24 technician registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on June 30, 2016, unless renewed.

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## JURISDICTION

3. Business and Professions Code ("Code") section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper . . .

4. 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 AND REGULATORY PROVISIONS

5. Code section 4301 states, in pertinent part:

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:

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

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

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

///

(f) 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.

6. 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.

7. Code section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

8. Code section 4059(a) states:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.



1 9. Code section 4060 states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a  
3 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
4 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
5 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
6 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to  
7 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
8 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
9 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

10 10. Health and Safety ("H&S") Code section 11170 states, "No person shall prescribe,  
11 administer, or furnish a controlled substance for himself."

12 **COST RECOVERY**

13 11. Code section 125.3 provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licentiate found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
18 included in a stipulated settlement.

19 **DRUG**

20 12. *Marijuana* is a Schedule I controlled substance as designated by Health and Safety  
21 Code section 11054(d)(13), and is known to impair motor skills.

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Criminal Conviction)

24 13. Respondent is subject to disciplinary action pursuant to Code section 4301(I), on the  
25 grounds of unprofessional conduct, in that Respondent was convicted of crimes that are  
26 substantially related to the qualifications, functions, and duties of a licensed pharmacy technician.  
27 Specifically, on or about September 25, 2015, in a criminal proceeding entitled *People v. William*  
28 *Rajan Pal*, Superior Court of California, County of Sacramento, Case No. 13F08400, Respondent  
was convicted by the court on his plea of nolo contendere to violating Health and Safety Code  
section 11357(c) (possession of marijuana in excess of 28.5 grams), and Penal Code section  
25400(a)(1) (carry a concealed weapon), misdemeanors. The circumstances of the crime are that

1 on or about December 29, 2013, Respondent was detained by an officer with the California  
2 Highway Patrol, who observed that Respondent was driving in excess of the speed limit. The  
3 officer noted the strong odor of marijuana emanating from Respondent's vehicle and that  
4 Respondent's eyes were red and watery. Respondent explained to the officer that he smoked  
5 marijuana less than two hours before the traffic stop. The officer also detected the odor of alcohol  
6 emanating from Respondent's vehicle and saw open containers of vodka and beer inside the  
7 vehicle. A further investigation revealed that Respondent had plastic baggies containing  
8 marijuana, containers holding what appeared to be hashish oil, a digital scale, empty plastic  
9 baggies, and a loaded firearm in the vehicle glove compartment that was not registered to  
10 Respondent. Respondent had \$752 cash in his wallet. Respondent explained to the officer that he  
11 grew marijuana and sold it to his friends. Respondent tested positive for marijuana.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Violation of State Laws Regulating Controlled Substances)

14 14. Respondent is subject to disciplinary action pursuant to Code section 4301(j), on the  
15 grounds of unprofessional conduct, in that Respondent violated statutes regulating controlled  
16 substances and dangerous drugs, as set forth in paragraph 13, above.

17 **THIRD CAUSE FOR DISCIPLINE**

18 (Use of a Controlled Substance in a Dangerous or Injurious Manner)

19 15. Respondent is subject to disciplinary action pursuant to Code section 4301(h), on the  
20 grounds of unprofessional conduct, in that Respondent used marijuana, a controlled substance, in  
21 a manner as to be dangerous or injurious to himself, others, and the public, as set forth in  
22 paragraph 13, above.

23 **FOURTH CAUSE FOR DISCIPLINE**

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

25 16. Respondent is subject to disciplinary action pursuant to Code section 4301(f), on the  
26 grounds of unprofessional conduct, in that Respondent committed an act involving moral  
27 turpitude, dishonesty, fraud, deceit, or corruption, as set forth in paragraph 13, above.

28 ///

1 PRAYER

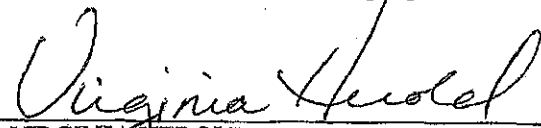
2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Technician Registration Number TCH 108853,  
5 issued to William Rajan Pal;

6 2. Ordering William Rajan Pal to pay the Board of Pharmacy the reasonable costs of the  
7 investigation and enforcement of this case, pursuant to Business and Professions Code section  
8 125.3; and,

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

10  
11 DATED: 11/10/15

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

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