

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 JENNIFER S. CADY
Deputy Attorney General
4 State Bar No. 100437
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2579
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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. 3415

13 **DILPREET SINGH**
12064 Canary Ct.
Grand Terrace, CA 92313

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 43779
15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about August 12, 2002, the Board of Pharmacy (Board) issued Pharmacy
21 Technician License No. TCH 43779 to Dilpreet Singh (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on July 31, 2010, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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STATUTORY PROVISIONS

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2 4. Section 118, subdivision (b), provides that the suspension/expiration of a license shall
3 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
9 or profession for which the license was issued.

10 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
11 discipline a licensee for conviction of a crime that is independent of the authority granted under
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
13 of the business or profession for which the licensee's license was issued.

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
18 made suspending the imposition of sentence, irrespective of a subsequent order under the
19 provisions of Section 1203.4 of the Penal Code."

20 6. Section 4060 states, in pertinent part:

21 "No person shall possess any controlled substance, except that furnished to a person upon
22 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
23 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
24 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
25 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
26 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
27 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
28 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,

1 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
2 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
3 labeled with the name and address of the supplier or producer.”

4 7. Section 4300 provides, in pertinent part, that every license issued by the Board is
5 subject to discipline, including suspension or revocation.

6 8. Section 4301 states, in pertinent part:

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

10

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

14

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

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

23

24 "(l) The conviction of a crime substantially related to the qualifications, functions, and
25 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
26 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
27 substances or of a violation of the statutes of this state regulating controlled substances or
28 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the

1 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
2 The board may inquire into the circumstances surrounding the commission of the crime, in order
3 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
4 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
5 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
6 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
7 of this provision. The board may take action when the time for appeal has elapsed, or the
8 judgment of conviction has been affirmed on appeal or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
10 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
11 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
12 indictment.

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14 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
15 violation of or conspiring to violate any provision or term of this chapter or of the applicable
16 federal and state laws and regulations governing pharmacy, including regulations established by
17 the board or by any other state or federal regulatory agency."

18 **REGULATORY PROVISIONS**

19 9. California Code of Regulations, title 16, section 1770 states, in pertinent part:

20 "For the purpose of denial, suspension, or revocation of a personal or facility license
21 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
22 crime or act shall be considered substantially related to the qualifications, functions or duties of a
23 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
24 licensee or registrant to perform the functions authorized by his license or registration in a manner
25 consistent with the public health, safety, or welfare."

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1 Sheriff's Department, Respondent was contacted. While speaking to Respondent, the police
2 officer detected an odor of smoke emitting from the interior of the vehicle. Respondent admitted
3 that he had smoked marijuana. Respondent also admitted that he had a homemade bong (a
4 homemade smoking paraphernalia pipe) and a small amount of marijuana. When asked how
5 much he had smoked throughout the day, Respondent admitted that he smoked a gram of
6 marijuana prior to being stopped, and was trying to stop the habit.

7 c. On or about March 8, 2005, after pleading guilty, Respondent was convicted of one
8 misdemeanor count of violating Vehicle Code section 20002, subdivision (a) [hit and run:
9 property damage] in the criminal proceeding entitled *The People of the State of California v.*
10 *Dilpreet Singh* (Super. Ct. Los Angeles County, 2005, No. 4PM07563). The Court placed
11 Respondent on formal probation for 3 years, with terms and conditions. The circumstances
12 surrounding the conviction are that on or about January 7, 2005, Respondent was involved in a
13 traffic accident that resulted in property damage and failed to stop at the scene of the accident.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Possession of a Controlled Substance)**

16 13. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
17 (o), for violating section 4060, in that on or about April 10, 2006 and May 3, 2006, Respondent
18 was found to be in possession of a controlled substance. Complainant refers to, and by this
19 reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (a) and (b),
20 inclusive, as though set forth fully.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Use/Under the Influence of a Controlled Substance)**

23 14. Respondent is subject to disciplinary action under section 4301, subdivision (h) and
24 (j), in that on or about April 10, 2006, Respondent, by his own admission, used and/or was under
25 the influence of a controlled substance. Complainant refers to, and by this reference incorporates,
26 the allegations set forth above in paragraph 12, subparagraph (b), as though set forth fully.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Dishonest Act)

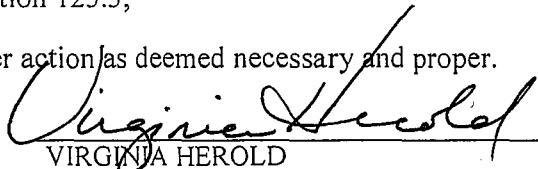
3 15. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
4 that on or about August 19, 2004, Respondent committed a dishonest act. Complainant refers to,
5 and by this reference incorporates, the allegations set forth above in paragraph 12, subparagraph
6 (c), as though set forth fully.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician License No. TCH 43779, issued to
11 Respondent.
- 12 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
13 enforcement of this case, pursuant to section 125.3;
- 14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 5/6/10


16 VIRGINIA HEROLD
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 Complainant

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