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

12 In the Matter of the Accusation Against:

Case No. 4274

13 **JASBINDAR KAUR,**  
14 **A.K.A. JASBINDAR KAUR BOLA,**  
15 **A.K.A. JASBINDAR KOUR**  
16 **610 Georgetown Avenue**  
**Turlock, CA 95382**

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

17 Pharmacy Technician License No. TCH 56435

18 Respondent.

19  
20  
21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about May 19, 2004, the Board issued Pharmacy Technician License Number  
26 TCH 56435 to Jasbindar Kaur, a.k.a. Jasbinder Kaur Bola, a.k.a. Jasbinder Kour (Respondent).  
27 The Pharmacy Technician License was in full force and effect at all times relevant to the charges  
28 brought herein and will expire on October 31, 2013, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board, Department of Consumer Affairs, under  
3 the authority of the following laws. All section references are to the Business and Professions  
4 Code unless otherwise indicated.

5 **STATUTORY AND REGULATORY PROVISIONS**

6 4. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
7 revoke a license on the ground that the licensee has been convicted of a crime substantially  
8 related to the qualifications, functions, or duties of the business or profession for which the  
9 license was issued.

10 5. Section 492 of the Code provides in relevant part:

11 “.... successful completion of any diversion program under the Penal Code, or  
12 successful completion of an alcohol and drug problem assessment program .... shall not  
13 prohibit any agency .... from taking disciplinary action against a licensee or from denying  
14 a license for professional misconduct, notwithstanding that evidence of that misconduct  
15 may be recorded in a record pertaining to an arrest.

16 6. Section 493 of the Code provides in relevant part:

17 “..... in a proceeding conducted by a board within the department pursuant to law  
18 to deny an application for a license or to suspend or revoke a license or otherwise take  
19 disciplinary action against a person who holds a license, upon the ground that the  
20 applicant or the licensee has been convicted of a crime substantially related to the  
21 qualifications, functions, and duties of the licensee in question, the record of conviction of  
22 the crime shall be conclusive evidence of the fact that the conviction occurred ... the  
23 board may inquire into the circumstances surrounding the commission of the crime in  
24 order to fix the degree of discipline ...”.

25 7. Section 4300 provides in relevant part:

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

27 8. Section 4301 provides in relevant part:

28 ///

1 "The board shall take action against any holder of a license who is guilty of  
2 unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any  
3 of the following:

4 (h) ... use of ... alcoholic beverage to the extent or in a manner dangerous to  
5 oneself ... or to others or the public.

6 (k) ... conviction of more than one misdemeanor involving use, consumption, or  
7 self-administration of alcohol.

8 (l) The conviction of a crime substantially related to the qualifications, functions,  
9 and duties of a licensee under this chapter.

10 9. Soma is a brand name for Meprobamate and is a controlled substance under  
11 California Health and Safety Code section 11057(d)(18). Meprobamate is a muscle relaxer and as  
12 a controlled substance requires a valid prescription to possess it.

13 **COST RECOVERY**

14 10. Section 125.3 of the Code provides, in pertinent part, that the  
15 Board/Registrar/Director may request the administrative law judge to direct a licensee found to  
16 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
17 reasonable costs of the investigation and enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of Crime)**

20 11. Respondent has subjected her license to disciplinary action pursuant to  
21 section 4301(l) in that on or about November 29, 2011 respondent was convicted by her plea of  
22 no contest to violating Vehicle Code section 23152(b) Driving Under the Influence of Alcohol  
23 with a blood alcohol in excess of .08% in a case captioned *People of the State of California v*  
24 *Jasbinder Kaur Bola*, Sacramento County Superior Court case no. 11M03464. The  
25 circumstances of the crime are as follows:

26 12. On April 24, 2011, Respondent was southbound on State Highway 99 near Elk  
27 Grove when police received a report that a silver Honda Civic was weaving in the number two  
28 southbound lane and impeding traffic. Police officers observed the Honda Civic in front of a

1 heavy pack of vehicles weaving to the extent the vehicle would enter the number one southbound  
2 lane and then go to the number three southbound lane. Respondent subsequently failed all field  
3 sobriety tests and denied having consumed any alcohol. Respondent was searched and admitted  
4 to possessing Soma, a prescription muscle relaxant. Respondent did not have a prescription for  
5 Soma. Respondent was subsequently tested and determined to have a blood alcohol level of .14.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conviction of Crime)**

8 12. Respondent has subjected her license to disciplinary action pursuant to  
9 section 4301(k) because Respondent was convicted on November 30, 2011 of violating Vehicle  
10 Code section 23152(b) Driving Under the Influence of Alcohol above .08 with a special  
11 allegation of driving with a blood alcohol level above .15 in a case captioned *People of the State*  
12 *of California v Jasbindar Kaur Bola, a.k.a. Jasbindar Singh*, Stanislaus County Superior Court  
13 case no. CHP 0354051111. The circumstances of the crime are as follows:

14 13. On or about May 11, 2011, Respondent was involved in a motor vehicle accident  
15 on northbound state highway 99 when Respondent lost control of the vehicle she was operating  
16 resulting in Respondent's vehicle leaving the roadway surface and colliding with a fence.  
17 Respondent failed field sobriety tests and a subsequent blood test revealed Respondent's blood  
18 measured to be .335.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Use of Alcohol to an Extent Dangerous to Self and Others)**

21 14. Respondent has subjected her license to disciplinary action pursuant to  
22 section 4301(h) because Respondent used alcohol to an extent she was a danger to herself and  
23 others. The circumstances are as follows:

24 15. Paragraphs 11 and 13 are incorporated herein as though set forth at length.  
25 Respondent admitted consuming alcohol to amounts measured in excess of the legal limit to  
26 operate a vehicle. On April 24, 2011, Respondent was observed operating her vehicle in a  
27 dangerous manner in close proximity to other vehicles. On May 11, 2011 Respondent was  
28

1 operating her vehicle with blood alcohol measured in excess of four times the legal limit when  
2 she was involved in a motor vehicle accident.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Conviction Substantially Related)**

5 16. Respondent has subjected her license to disciplinary action pursuant to  
6 section 4301(l) because Respondent has been convicted of crimes substantially related to the  
7 duties and qualifications of a Pharmacy technician. The circumstances are as follows:

8 20. Paragraphs 10 through 13 are incorporated herein as though set forth at length.  
9 Respondent's convictions are substantially to the qualifications, functions, and duties of a  
10 pharmacy technician.

11 **PRAYER**

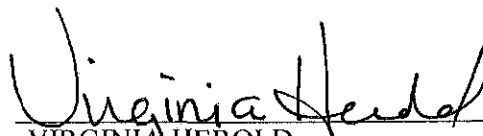
12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board of Pharmacy issue a decision:

14 1. Revoking or suspending Pharmacy Technician License Number TCH 56435,  
15 issued to Jasbindar Kaur a.k.a. Jasbindar Kaur Bolas

16 2. Ordering Jasbindar Kaur, a.k.a. Jasbindar Kaur Bola, to pay the Board of  
17 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
18 Business and Professions Code section 125.3;

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

20  
21 DATED: 9/3/13

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

28 SA2010101204