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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. 4987

12 **RAJBIR SINGH GILL**  
13 **3228 Lemmons Street**  
14 **Riverbank, CA 95367**

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

15 **Pharmacy Technician Registration No. TCH**  
**124655**

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 July 12, 2012, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician Registration Number TCH 124655 (License) to Rajbir Singh Gill (Respondent). The  
24 License was in full force and effect at all times relevant to the charges brought in this Accusation  
25 and expired on June 30, 2016, and has not been renewed. On or about October 2, 2016, the  
26 License was cancelled pursuant to Business and Professions Code section 4402, subdivision (e).

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JURISDICTION

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

4. Section 4300 of the Code states:

"(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.

...

"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

5. Section 4300.1 of the Code 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

1 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
2 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
3 proceeding against, the licensee or to render a decision suspending or revoking the license."

#### 4 STATUTORY AND REGULATORY PROVISIONS

5 6. Section 4301 of the Code states:

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

9 . . .

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

13 . . .

14 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
17 substances or of a violation of the statutes of this state regulating controlled substances or  
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
20 The board may inquire into the circumstances surrounding the commission of the crime, in order  
21 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
22 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
25 of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.”

3 . . . .

4 COST RECOVERY

5 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licentiate found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

9 FIRST CAUSE FOR DISCIPLINE

10 (Criminal Conviction)

11 8. Respondent has subjected his License to discipline in that Respondent has been  
12 convicted of a crime substantially related to qualifications, functions, and duties of pharmacy  
13 technician. (Bus. & Prof. Code, § 4301, subd. (f).) The circumstances are as follows:

14 9. On or about January 31, 2017, in a criminal matter entitled *The People of the State of*  
15 *California v. Rajbir Singh Gill*, in the Stanislaus County Superior Court, Case Number 1454299,  
16 Respondent pled no contest and was convicted of kidnapping. (Pen. Code, § 207, subd. (a).)  
17 Respondent was sentenced to state prison. The conviction was based upon an incident occurring  
18 on January 12, 2013. Respondent and an accomplice befriended the victim at a gas station.  
19 Respondent and the accomplice drove the victim to a park and then began hitting the victim about  
20 the head until the victim lost consciousness. Respondent and the accomplice then took the  
21 victim’s wallet and jewelry, forced him into a car, and began driving to the bank to force the  
22 victim to withdraw money. But before reaching the bank, the victim jumped from the moving  
23 vehicle and contacted police. Respondent and the accomplice were arrested for kidnapping,  
24 robbery and assault with a deadly weapon. (Pen. Code, §§ 207, subd. (a), 211, 245, subd. (a)(1).)

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1 SECOND CAUSE FOR DISCIPLINE

2 (Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

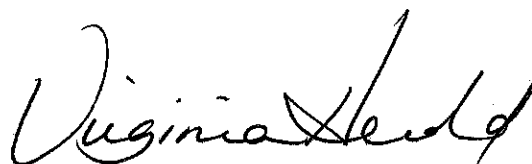
3 10. Respondent has subjected his License to discipline in that Respondent committed an  
4 act involving moral turpitude, dishonesty, fraud, deceit, or corruption. (Bus. & Prof. Code, §  
5 4301, subd. (1).) The circumstances are described above in paragraph 9.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
8 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 124655,  
10 issued to Rajbir Singh Gill
- 11 2. Ordering Rajbir Singh Gill to pay the Board of Pharmacy the reasonable costs of the  
12 investigation and enforcement of this case, pursuant to Business and Professions Code section  
13 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

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17  
18 DATED: 3/31/17



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

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