

1 KAMALA D. HARRIS  
Attorney General of California  
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**  
11 **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.

26 ///

27 ///

28 ///

1 **JURISDICTION**

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

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

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

6 (1) Suspending judgment.

7 (2) Placing him or her upon probation.

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

9 (4) Revoking his or her license.

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

12 4. Code section 4300.1 states:

13 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
14 by operation of law or by order or decision of the board or a court of law, the  
15 placement of a license on a retired status, or the voluntary surrender of a license by a  
16 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
17 investigation of, or action or disciplinary proceeding against, the licensee or to render  
18 a decision suspending or revoking the license.

17 **STATUTORY AND REGULATORY PROVISIONS**

18 5. Code section 4301 states, in pertinent part:

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

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

24 (h) The administering to oneself, of any controlled substance, or the use of any  
25 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
26 dangerous or injurious to oneself, to a person holding a license under this chapter, or  
27 to any other person or to the public, or to the extent that the use impairs the ability of  
28 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.

///

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

20 6. California Code of Regulations, title 16, section 1770, states:

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

28 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(l), 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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 108853, issued to William Rajan Pal;
2. Ordering William Rajan Pal to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/10/15 Virginia Herold  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2015100602  
11853888.doc