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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 3447

STATEMENT OF ISSUES

13 **PALWINDER S. BAGRI, a.k.a.**
14 **PALWINDER SINGH BAGRI**
8978 Chantal Way
15 Sacramento, CA 95829

16 Applicant for Pharmacy
17 Technician Registration

18 Respondent.

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20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
23 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 24 2. On or about January 8, 2008, the Board received an application for a Registration as
25 a Pharmacy Technician (license) from Palwinder S. Bagri, a.k.a. Palwinder Singh Bagri,
26 (Respondent). On or about January 8, 2008, Respondent certified under penalty of perjury to the
27 truthfulness of all statements, answers, and representations in the application. The Board denied
28 the application on March 25, 2009.

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

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

12 FIRST CAUSE FOR DENIAL OF APPLICATION

13 (CONVICTIONS OF CRIMES)

14 8. Respondent's application is subject to denial under Code section 480, subdivision
15 (a)(1), in that Respondent was convicted of the following crimes, which are substantially related
16 to the duties, qualifications, and functions of a licensed Pharmacy Technician:

17 9. On or about November 21, 2008, Respondent was convicted on his plea of nolo
18 contendere in the case of *People v. Palwinder Singh Bagri*, Sacramento County Superior Court
19 Case No. 08T05416, of the crime of violating Vehicle Code section 23152, subdivision (b)
20 [driving a motor vehicle under the influence of alcohol with a blood alcohol concentration of
21 .08% or more], a misdemeanor.

22 a. The underlying circumstances are: On or about August 30, 2008, Respondent
23 drove a motor vehicle while under the influence of alcohol and his blood alcohol concentration
24 measured .14%. Respondent violated a posted sign stating "no turn on red" when he turned right
25 against the red light. Respondent had the objective signs of alcohol intoxication including
26 unsteady gait, slurred speech, bloodshot and watery eyes, and a strong odor of alcohol beverage
27 on his person. Respondent performed poorly on field sobriety tests.

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1 10. On or about August 11, 2008, Respondent was convicted on his plea of nolo
2 contendere in the case of *People v. Palwinder Singh Bagri*, Sacramento County Superior Court
3 Case No. 07F06632, of the crime of violating Penal Code section 246.3 [willful and unlawful
4 discharge of a firearm in a grossly negligent manner which could result in injury and death to a
5 person], a misdemeanor.

6 a. The underlying circumstances are: On or about July 4, 2007, Respondent
7 assaulted victims F.B. and T.P. with his fists in the parking lot of M&N Liquor Store, located on
8 La Riviera Drive, Sacramento, where Respondent was employed. After arguing with the victims
9 in the parking lot of the store, Respondent re-entered M&N Liquor Store and returned to the
10 parking lot with a loaded handgun. Respondent pointed the firearm in the air and fired one
11 round. Respondent also pointed the firearm at victims F.B. and T.P. and charged a second
12 round. The second round struck the ground. Respondent used the firearm to strike a third
13 victim, W.A., in the back of his head. The arresting officer determined the firearm to be a dark
14 colored semi-automatic handgun. The "Head Stamp" on the bullet casings indicated "FC 9mm
15 LUGER" and there were eleven (11) live rounds in the magazine, all of which had the same
16 "Head Stamp." Bullet casings on the ground at the site of the assault and gun firing also had the
17 same "Head Stamp." The arresting officer observed that the hammer of the firearm was in the
18 cocked position at the time of the investigation and arrest.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(ACTS WARRANTING LICENSE DENIAL)**

21 11. Respondent's application is subject to denial under Code sections 480(a)(3)A) in that
22 Respondent committed acts that would be grounds for suspension or revocation of a Pharmacy
23 Technician license on the grounds of unprofessional conduct within the meaning of Code section
24 4301, subdivision (1). Respondent's acts are substantially related to the qualifications, functions,
25 and duties of the Pharmacy Technician licensed profession. The underlying circumstances are
26 set forth in paragraphs 9 and 10, above, and are incorporated herein by this reference.

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