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

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

Case No. 6703

14 **JASBINDAR KAUR BOLA**
15 **AKA JASBINDAR KAUR**

**FIRST AMENDED STATEMENT OF
ISSUES**

16 **Pharmacy Technician Registration**
17 **Applicant**

18 Respondent.

19
20 **PARTIES**

21 1. Anne Sodergren (“Complainant”) brings this Statement of Issues solely in her official
22 capacity as the Interim Executive Officer of the Board of Pharmacy (“Board”), Department of
23 Consumer Affairs.

24 **Pharmacy Technician Applicant**

25 2. On or about October 23, 2018, the Board received an application for a Pharmacy
26 Technician Registration from Jasbindar Kaur Bola, also known as Jasbindar Kaur
27 (“Respondent”). On or about October 22, 2018, Respondent certified under penalty of perjury to

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1 the truthfulness of all statements, answers, and representations in the application. The Board
2 denied the application on March 20, 2019.

3 **Pharmacy Technician Registration No. TCH 56435**

4 3. On or about May 19, 2004, the Board issued Original Pharmacy Technician
5 Registration Number TCH 56435 to Respondent. Respondent voluntarily surrendered her
6 pharmacy technician license on or about November 22, 2014, as more fully set forth below in
7 paragraph 4.

8 **Prior Discipline**

9 4. Effective October 31, 2014, pursuant to a Decision and Order in the disciplinary
10 action entitled, *In the Matter of the Accusation Against: JASBINDAR KAUR*, Case No. 4274, the
11 Board adopted a Stipulated Settlement and Disciplinary Order revoking Respondent's Pharmacy
12 Technician License No. TCH 56435. However, the revocation was stayed and Respondent was
13 placed on probation for a period of four (4) years with terms and conditions. Effective
14 November 22, 2014, the Board accepted Respondent's request to voluntarily surrender her
15 license.

16 **JURISDICTION**

17 5. Pursuant to Business and Professions Code section 485, subdivision (b), on or about
18 March 20, 2019, Respondent's application was denied and she was notified of the right to a
19 hearing to appeal the denial.

20 6. On or about April 10, 2019, the Board received Respondent's request for a hearing to
21 appeal the denial of her application.

22 **STATUTORY PROVISIONS**

23 7. Code section 480 states:

24 (a) A board may deny a license regulated by this code on the grounds that the
25 applicant has one of the following:

26

27 (3)(A) Done any act that if done by a licentiate of the business or profession in
question, would be grounds for suspension or revocation of license.

28 (B) The board may deny a license pursuant to this subdivision only if the crime

1 or act is substantially related to the qualifications, functions, or duties of the business
2 or profession for which application is made. . . .

3 8. Code section 4300 states, in pertinent part:

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

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

8 (1) Suspending judgment.

9 (2) Placing him or her upon probation.

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

11 (4) Revoking his or her license.

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

14 9. Code section 4301 states, in pertinent part:

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

18

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

24 **REGULATORY PROVISION**

25 10. California Code of Regulations, title 16, section 1770, states:

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

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1 **CAUSE FOR DENIAL OF APPLICATION**

2 **(Committed Acts which if Done by a Licentiate)**

3 11. Respondent's application is subject to denial under Code section 480,
4 subdivision (a)(3)(A), in that she committed acts which if done by a licentiate of the profession
5 would constitute grounds for discipline for unprofessional conduct under Code section 4301,
6 subdivision (h) as follows: On or about April 24, 2011 and May 11, 2011, Respondent used
7 alcohol to the extent or in a manner as to be dangerous or injurious to herself, any other person or
8 the public, when she drove a motor vehicle while under the influence of alcohol.

9 **PRAYER**

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

- 12 1. Denying the application of Jasbindar Kaur Bola, also known as Jasbindar Kaur for a
13 Pharmacy Technician Applicant;
- 14 2. Taking such other and further action as deemed necessary and proper.

15
16 DATED: September 20, 2019



17 ANNE SODERGREN
18 Interim Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

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5 Registration Number TCH 56435 to Respondent. Respondent voluntarily surrendered her
6 pharmacy technician license on or about November 22, 2014, as more fully set forth below in
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13 placed on probation for a period of four (4) years with terms and conditions. Effective
14 November 22, 2014, the Board accepted Respondent's request to voluntarily surrender her
15 license.

16 **JURISDICTION**

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19 hearing to appeal the denial.

20 6. On or about April 10, 2019, the Board received Respondent's request for a hearing to
21 appeal the denial of her application.

22 **STATUTORY PROVISIONS**

23 7. Code section 480 states:

24 (a) A board may deny a license regulated by this code on the grounds that the
25 applicant has one of the following:

26 (1) Been convicted of a crime. A conviction within the meaning of this
27 section means a plea or verdict of guilty or a conviction following a plea of nolo
28 contendere. Any action that a board is permitted to take following the establishment
of a conviction may be taken when the time for appeal has elapsed, or the judgment
of conviction has been affirmed on appeal, or when an order granting probation is
made suspending the imposition of sentence, irrespective of a subsequent order under

the provisions of Section 1203.4 , 1203.4a , or 1203.41 of the Penal Code.

....

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. . . .

8. Code section 4300 states, in pertinent part:

(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. . . .

9. Code section 4300.1 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 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

10. Code section 4301 states, in pertinent part:

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

....

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

....

1 (k) The conviction of more than one misdemeanor or any felony involving the
2 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
or any combination of those substances.

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

22 **REGULATORY PROVISION**

23 11. California Code of Regulations, title 16, section 1770, states:

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

29 **COST RECOVERY**

30 12. Code section 125.3 states, in pertinent part, that the Board may request the
31 administrative law judge to direct a licentiate found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case.

34 **FIRST CAUSE FOR DENIAL OF APPLICATION**

35 **(November 29, 2011 Criminal Conviction for DUI on April 24, 2011)**

36 13. Respondent's application is subject to denial under Code section 480,
37 subdivision (a)(1), in that on or about November 29, 2011, in the criminal proceeding entitled,
38 *People v. Jasbindar Kaur Bola* (Sacramento County Super. Ct., Case No. 11M03464),

1 Respondent was convicted by the Court on her plea of no contest of violating Vehicle Code
2 section 23152, subdivision (b) (driving under the influence of alcohol with a blood alcohol in
3 excess of 0.08 percent), a misdemeanor. The circumstances of the crime are as follows: On or
4 about April 24, 2011, police officers conducted a traffic enforcement stop with Respondent for
5 weaving between lanes. Respondent failed all field sobriety tests and denied having consumed
6 alcohol. When the police officer conducted a search of Respondent, she admitted to having the
7 controlled substance Soma on her person. Respondent did not have a prescription for the Soma.
8 Respondent was tested and her blood alcohol level measured 0.14 percent.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(November 30, 2011 Criminal Conviction for DUI on May 11, 2011)**

11 14. Respondent's application is subject to denial under Code section 480,
12 subdivision (a)(1), in that on or about November 30, 2011, in the criminal proceeding entitled,
13 *People v. Jasbindar Kaur Bola a.k.a. Jasbindar Singh* (Stanislaus County Super. Ct., Case
14 No. CHP 0354051111), Respondent was convicted of violating Vehicle Code section 23152,
15 subdivision (b) (driving under the influence of alcohol above 0.08 with a special allegation of
16 driving with a blood alcohol level above 0.15 percent). The circumstances are as follows: On or
17 about May 11, 2011, Respondent was involved in a motor vehicle accident when she lost control
18 of the vehicle and collided with a fence. Respondent failed field sobriety tests and Respondent's
19 blood alcohol level measured 0.335 percent.

20 **THIRD CAUSE FOR DENIAL OF APPLICATION**

21 **(Committed Acts which if Done by a Licentiate)**

22 15. Respondent's application is subject to denial under Code section 480,
23 subdivision (a)(3)(A), in that she committed acts which if done by a licentiate of the profession
24 would constitute grounds for discipline for unprofessional conduct under the following
25 subdivisions of Code section 4301:

26 a. **Subdivision (I):** Respondent was convicted of crimes substantially related to
27 the qualifications, functions, and duties of a pharmacy technician, as more particularly set forth
28 above in paragraphs 13 and 14;

