1 2 3 4 5 6 7 8	BILL LOCKYER, Attorney General of the State of California JOSHUA A. ROOM, State Bar No. 214663 Deputy Attorney General California Department of Justice 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 703-1299 Facsimile: (415) 703-5480 Attorneys for Complainant  BEFORE T BOARD OF PHA DEPARTMENT OF CON	ARMACY	
9	STATE OF CALIFORNIA		
10	In the Matter of the Accusation Against:	Case No. 2939	
11	MAGGIE SEKHON	OAH No.	
12	4521 Queensboro Way Union City, CA 94587	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
13	Di Tourisian Liganga No. TCH 22	DISCIPLINARI ORDER	
14	Pharmacy Technician License No. TCH 33  Respondent.		
15	Respondent.		
16	In the interest of a prompt and speedy settlement of this matter, consistent with the		
17	public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,		
18	the parties hereby agree to the following Stipulated		
19	be submitted to the Board for approval and adoption	as its final disposition of the Accusation.	
20			
21	<u>PARTIE</u>		
22	1. Patricia F. Harris (Complainant), Executive Officer, Board of Pharmacy,		
23	brought this action solely in her official capacity and is represented herein by Bill Lockyer,		
24	Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.		
25	2. Respondent Maggie Sekhon Maggie Sekhon (Respondent) is representing		
26	herself in this proceeding and has chosen not to exercise her right to be represented by counsel.		
27	///		
28	///		

3. On or about September 12, 1992, the Board of Pharmacy issued Pharmacy Technician License No. TCH 33 to Maggie Sekhon (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2939 and will expire on December 31, 2007, unless renewed.

### **JURISDICTION**

4. Accusation No. 2939 was filed before the Board of Pharmacy (Board),
Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
and all other statutorily required documents were properly served on Respondent on January 26,
2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
Accusation No. 2939 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read and understands the charges and allegations in Accusation No. 2939. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.
- 8. Respondent further voluntarily, knowingly, and intelligently waives and gives up any right to request an office conference, to seek judicial review, or to in any other way appeal the Letter of Admonishment to be issued pursuant to this stipulation.

### **CULPABILITY**

- 9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2939.
- 10. Respondent agrees that her Pharmacy Technician License is subject to discipline and she agrees to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

### **RESERVATION**

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in other criminal or civil proceedings.

### CONTINGENCY

- Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

# **DISCIPLINARY ORDER**

- 11	<i>:</i>	
2	IT IS HEREBY ORDERED that a Letter of Admonishment pursuant to Business	
3	and Professions Code section 4315 shall be issued against Pharmacy Technician License No.	
4	TCH 33, and Respondent Maggie Sekhon. Said Letter of Admonshment will issue as set forth	
5	herein above and shall be in the same form as the letter attached as Exhibit B hereto. There shall	
6	be no right to request an office conference, to seek judicial review, or to otherwise appeal said	
7	Letter of Admonishment, and once issued it shall be a final administrative decision.	
8	This settlement shall constitute the imposition of discipline against Respondent.	
9	This stipulation shall become a part of Respondent's license history with the Board.	
10		
11	<u>ACCEPTANCE</u>	
12	I have carefully read the Stipulated Settlement and Disciplinary Order. I	
13	understand the stipulation and the effect it will have on my Pharmacy Technician License. I	
14	enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and	
15	intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.	
16	DATED: 3-3-2006.	
17	MAGGIE SEKHON  Respondent	
18	Respondent	
19	<u>ENDORSEMENT</u>	
20	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
21	submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.	
22	DATED: 3/7/06	
23	BILL LOCKYER, Attorney General of the State of California	
24		
25	JOSHUA A. ROOM	
26	Deputy Attorney General	
27	Attorneys for Complainant	

DOJ Matter ID: SF2005401175; 40079561.wpd

# BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2939
MAGGIE SEKHON 4521 Queensboro Way Union City, CA 94587	OAH No.
Pharmacy Technician License No. TCH 33  Respondent.	
DECISION AND The attached Stipulated Settlement ar the Board of Pharmacy, Department of Consumer A	nd Disciplinary Order is hereby adopted by
This Decision shall become effective	on <u>April 21, 2006</u>

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

Ву

It is so ORDERED April 21, 2005

STANLEY W. GOLDENBERG

Board President



# LETTER OF ADMONISHMENT April 21, 2006

Maggie Sekhon aka Malkiat Sekhon 4521 Queensboro Way Union City CA 94587

www.pharmacy.ca.gov

RE:

Administrative Case 2939

Pharmacy Technician Registration 33

This **LETTER OF ADMONISHMENT** is being issued pursuant to Business and Professions Code section 4005 and section 4315 et seq. for failure to comply with the laws and regulations that govern the practice of pharmacy in California. (For exact language refer to the California Pharmacy Law and Index, located on the board's website at <a href="https://www.pharmacy.ca.gov">www.pharmacy.ca.gov</a>, under Forms and Publications.)

The Board of Pharmacy has completed its investigation in the above referenced matter. Statements relating to the investigation have been accepted and included in an Investigation Report on file in this office. Facts contained in this report lead to the conclusion that the following violations of pharmacy laws or regulations have occurred:

Bus. Prof. Code, § 4301 subd. (f), (g) and (l). Unprofessional Conduct – Conviction of a Crime.

On or about August 3, 2005, Maggie Sekhon, TCH 33, was convicted of Penal Code § 487 subd. (a) (grand theft), a felony, in the Alameda County Superior Court, Case No. 149592B. The conviction was based on conduct including fraudulent billing for payment from Alameda County Social Services for in-home services.

You shall maintain and have readily available a copy of this Letter of Admonishment for three years from the date of issuance of this letter. The Letter of Admonishment will be considered a public record for purposes of disclosure for three years. The issuance of this Letter of Admonishment does not limit the board's ability to pursue other disciplinary or administrative action under Business and Professions Code section 4315, subdivision (f).

Exhibit A
Accusation No. 2939

1	BILL LOCKYER, Attorney General of the State of California			
2	JOSHUA A. ROOM, State Bar No. 214663  Deputy Attorney General			
3	California Department of Justice 455 Golden Gate Avenue, Suite 11000			
4	San Francisco, CA 94102-7004 Telephone: (415) 703-1299			
5	Facsimile: (415) 703-5480			
6	Attorneys for Complainant			
7	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
8				
9				
10	In the Matter of the Accusation Against:	Case No. 2939		
11	MAGGIE SEKHON AKA MALKIAT SEKHON	OAH No.		
12	4521 Queensboro Way Union City, CA 94587	ACCUSATION		
13	Pharmacy Technician License No. TCH 33			
14	Respondent.			
15				
16	Complainant alleges:			
17	<u>PARTIE</u>			
18		ant) brings this Accusation solely in her		
19	official capacity as the Executive Officer, Board of			
20		992, the Board of Pharmacy issued Pharmacy		
21	Technician License Number TCH 33 to Maggie Sekhon aka Malkiat Sekhon (Respondent). The			
22	License was in full force and effect at all times relevant to the charges brought herein and will			
23	expire on December 31, 2007, unless renewed.			
24				
25	JURISDIC	TION		
26	This Accusation is brought before the Board of Pharmacy (Board),			
27	Department of Consumer Affairs, under the authority of the following laws. All section			
28	references are to the Business and Professions Code unless otherwise indicated.			

4.	Section 4011 of the Code provides that the Board shall administer and
enforce both the Phar	macy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
Substances Act [Heal	th & Safety Code, § 11000 et seq.].

- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Section 4402(a) of the Code provides that any license that is not renewed within three years following its expiration may not be renewed, restored, or reinstated and shall be cancelled by operation of law at the end of the three-year period.

# STATUTORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or

otherwise, and whether the act is a felony or misdemeanor or not.

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

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

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.

28 ///

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

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and 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."

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

# FACTUAL BACKGROUND

- designation as Chore Provider for her mother-in-law, which meant Respondent was entitled to receive payment for in-home care services through the Alameda County Social Services Agency for In Home Supportive Services (IHSS). Respondent's husband was authorized by the agency to sign timesheets submitted to IHSS by Respondent, for his mother. Thereafter, Respondent and her husband submitted timesheets to IHSS, and Respondent received payment for services.
- 12. On or about December 21, 2003, Respondent's mother-in-law was taken from her home and was admitted to a skilled nursing facility. She was no longer eligible for or in need of in-home care or supportive services.
- husband nonetheless continued to submit to IHSS timesheets fraudulently seeking payment for in-home services. On each timesheet Respondent falsely certified and attested by her signature to the accuracy of the hours billed. Between December 22, 2003 and October 15, 2004, Respondent received and deposited or cashed twenty-one (21) checks based on these fraudulent timesheets, a total overpayment for in-home services not rendered of \$16,294.37.

1	c. On or about September 14, 2005, Respondent was sentenced. The		
2	sentence imposed included 1 day in county jail with credit for time served, 9 weekends in county		
3	jail, 5 years formal probation, fines and fees, and restitution of \$16,194.37 to IHSS.		
4			
5	FOURTEENTH CAUSE FOR DISCIPLINE		
6	(Unprofessional Conduct)		
7	17. Respondent is subject to disciplinary action under section 4301 of the		
8	Code in that Respondent, by way of the conduct described in paragraphs 11-16 above, engaged in		
9	"unprofessional conduct" not becoming the profession of a pharmacy technician.		
10			
11	<u>PRAYER</u>		
12	WHEREFORE, Complainant requests that a hearing be held on the matters herein		
13	alleged, and that following the hearing, the Board of Pharmacy issue a decision:		
14	A. Revoking or suspending Pharmacy Technician License Number TCH 33,		
15	issued to Maggie Sekhon aka Malkiat Sekhon (Respondent);		
16	B. Ordering Respondent to pay the Board reasonable costs of investigation		
17	and enforcement of this case, pursuant to Business and Professions Code section 125.3;		
18	C. Taking such other and further action as is deemed necessary and proper.		
19			
20	DATED: 1/23/06		
21	Padana		
22	PATRICIA F. HARRIS		
23	Executive Officer Board of Pharmacy Board of Consumer Affairs		
24	Department of Consumer Affairs State of California		
2.5	Complainant		
20	5		
2	7		
	SF2005401175		

40072089.wpd

# Exhibit B Letter of Admonishment

1625 North Market Boulevard, Suite N219, Sacramento, CA 95834 Phone (916) 574-7900 Fax (916) 579-8618 www.pharmacy.ca.gov STATE AND CONSUMERS AFFAIRS AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENEGGER, GOVERNOR

### LETTER OF ADMONISHMENT

Maggie Sekhon aka Malkiat Sekhon 4521 Queensboro Way Union City CA 94587

RE:

Administrative Case 2939

Pharmacy Technician Registration 33

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The Board of Pharmacy has completed its investigation in the above referenced matter. Statements relating to the investigation have been accepted and included in an Investigation Report on file in this office. Facts contained in this report lead to the conclusion that the following violations of pharmacy laws or regulations have occurred:

Bus. & Prof. Code, § 4301 and subd. (f), (g) and (l). Unprofessional Conduct – Including dishonesty, fraud, false statements, and conviction of a crime.

On or about August 3, 2005, Maggie Sekhon, TCH 33, was convicted of Penal Code § 487 subd. (a) (grand theft), a felony, in Alameda County Superior Court, Case No. 149592B. The conviction was based on conduct including fraudulent billing for payment from Alameda County Social Services for in-home services.

You shall maintain and have readily available a copy of this Letter of Admonishment for three years from the date of issuance of this letter. The Letter of Admonishment will be considered a public record for purposes of disclosure for three years. The issuance of this Letter of Admonishment does not limit the board's ability to pursue other disciplinary or administrative action under Business and Professions Code section 4315, subdivision (f).