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

In the Matter of the Accusation Against:	Case No. 3530
GULJINDER SINGH 1947 Woodland Drive Yuba City, CA 95991 Pharmacy Technician Registration No. TCH 69684 Respondent.	**DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 9, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3530 against Guljinder Singh (Respondent) before the Board of Pharmacy.

2. On or about August 2, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 69684 to Respondent. The License was in full force and effect at all times relevant to the charges brought herein, and will expire on August 31, 2010, if not renewed.

3. On or about February 18, 2010, Gloria Montano, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3530, a Statement to Respondent, two copies of a form Notice of Defense, a Request for Discovery, and copies of Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with

the Board: 1947 Woodland Drive, Yuba City, CA 95991. Copies of the Accusation are attached as exhibit A, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived him right to a hearing on the merits of Accusation No. 3530.

7. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Accusation No. 3530 are true.

9. The total costs for investigation and enforcement in connection with the Accusation are $2,125.00 as of March 9, 2010.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Guljinder Singh has subjected his Pharmacy Technician License No. TCH 69684 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician License based upon the following violations alleged in the Accusation:

a. In violation of Business and Professions Code section 4301(k) and 4301 (l), Respondent was convicted for crimes that are substantially related to the qualifications, functions or duties for which Respondent is licensed;

b. In violation of Business and Professions Code sections 4301(f), Respondent committed acts involving moral turpitude;

c. In violation of Business and Professions Code section 4301 (h), Respondent administered alcoholic beverages to himself to the extent or in a manner dangerous or injurious to himself, to others, to the public generally and to the extent that it impairs his ability to conduct with safety to the public the practice authorized by his pharmacy technician registration.

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 69684 heretofore issued to Respondent Gjuljinder Singh, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 23, 2010.

It is so ORDERED May 24, 2010.

Kenneth H. Schell

KENNETH H. SCHELL, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

Attachment: Exhibit A: Accusation No. 3530

Exhibit A
Accusation No. 3530

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

In the Matter of the Accusation Against: **GULJINDER SINGH** 1947 Woodland Drive Yuba City, California 95991 Pharmacy Technician Registration No. TCH 69684 Respondent.	Case No. 3530 **ACCUSATION**

Virginia Herold ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

2. On or about August 2, 2006, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 74030 to Guljinder Singh (Respondent). The license will expire on August 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (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, 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.

5. Section 4301 of the Code 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not 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.

. . .

"(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."

...

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is an offense substantially related to qualifications, functions, and duties of a licensee under this chapter. A plea of guilty or a conviction following a plea of nolo contendre is deemed to be a conviction within the meaning of this provision. The board may take action 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 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

6. Section 111, subdivision (b) of the Code provides, in pertinent part, that "the suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its

authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground".

7. Penal Code section 273a, subdivision (b), provides that "any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

8. 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 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Convictions)

9. Respondent is subject to disciplinary action for unprofessional conduct under sections 4301(k) and 4301(l) of the Code in that he is convicted of the following crimes that are substantially related to the qualifications, functions or duties for which Respondent is licensed:

a. On or about October 16, 2000, conviction by his plea or guilty or no contest to violation of Vehicle Code section 23152 (driving under the influence of alcohol), a misdemeanor, in *People v. Guljinder Singh*, Sutter County Superior Court Case No. 0002022.

b. On or about July 31, 2006, conviction by plea of no contest to violation of Vehicle Code section 23152(b) (driving under the influence of alcohol), a misdemeanor, and with admission of one prior such conviction, in *People v. Guljinder Singh*, Sutter County Superior Court Case No. CRTR-06-1677.

c. On or about September 24, 2007, conviction by plea of no contest or guilty to violation of Vehicle Code section 23152(a) (driving under the influence of alcohol), a

misdemeanor, and with two prior convictions of Vehicle Code section 23152, in *People v. Guljinder Singh,* Butte County Superior Court Case No. SCR60860.

d. On or about February 27, 2008, conviction by plea of no contest to violation of Penal Code section 273a(b) (child abuse), a misdemeanor, in *People v. Guljinder Singh,* Sutter County Superior Court Case No. CRF-08-0301. The circumstances of the crime are that Respondent physically abused his minor son while Respondent was under the influence of alcohol.

e. On or about September 29, 2008, conviction by plea of guilty to violation of Vehicle Code sections 23152(b)(driving under the influence of alcohol) and 23350, a felony, and with the admission of three prior convictions for violation of Vehicle Code section 23152, in *People v. Guljinder Singh,* Sutter County Superior Court Case No. CR-F-08-0001895. The circumstances of the crime are that Respondent drove a motor vehicle under the influence of alcohol, with suspended driving license, and attempted to flee in his motor vehicle and elude a pursuing peace officer.

SECOND CAUSE FOR DISCIPLINE

(Acts of Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

10. Respondent is subject to disciplinary action for unprofessional conduct under section 4301(f) by committing acts involving moral turpitude. On or about January 29, 2008, Respondent physically abused his minor child while Respondent was under the influence of alcohol.

THIRD CAUSE FOR DISCIPLINE

(Self-Administration of Alcoholic Beverages in Manner Dangerous to Respondent and Others)

11. Based upon the allegations of Paragraph 9, Respondent is subject to disciplinary action for unprofessional conduct under section 4301(h) in that Respondent administered alcoholic beverages to himself to the extent or in a manner dangerous or injurious to himself, to others, to the public generally and to the extent that it impairs his ability to conduct with safety to the public the practice authorized by his pharmacy technician registration.

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OTHER MATTERS

12. To fix the degree of discipline to be imposed upon Respondent, if any, Complainant alleges that Respondent violated his criminal probation ordered pursuant to the criminal convictions in *People v. Guljinder Singh*, Sutter County Superior Court Case No. CRTR-06-1677, *People v. Guljinder Singh,* Butte County Superior Court Case No. SCR60860 and *People v. Guljinder Singh*, Sutter County Superior Court Case No. CRF-08-0301, as described in Paragraph 9, by failing to obey all laws during the periods of probation prescribed for Respondent.

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:

A. Revoking or suspending Pharmacy Technician Registration Number TCH 69684 issued to Guljinder Singh;

B. Ordering Guljinder Singh 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;

C. Taking such other and further action as deemed necessary and proper.

DATED: 2/9/10

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

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