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

In the Matter of the Accusation Against:

**WILLIAM RAJAN PAL
8409 Deer Fern Court
Antelope, California 95843**

**Pharmacy Technician Registration No. TCH
108853**

Respondent.

Case No. 5395

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 10, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5395 against William Rajan Pal (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about December 9, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 108853 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5395 and will expire on June 30, 2016, unless renewed.

1 3. On or about November 25, 2015, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 5395, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is:

7 8409 Deer Fern Court
8 Antelope, California 95843.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about November 30, 2015, a Domestic Return Receipt was returned by the U.S.
13 Postal Service from Respondent's address of record.

14 6. Government Code section 11506 states, in pertinent part:

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
22 5395.

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

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

28 9. 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
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 5395, finds that
2 the charges and allegations in Accusation No. 5395, are separately and severally, found to be true
3 and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$2,897.50 as of March 7, 2016.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent William Rajan Pal has subjected
9 his Pharmacy Technician Registration No. TCH 108853 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
12 Registration based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Evidence Packet in this case:

14 a. Respondent violated Business and Professions Code section 4301(l), on the grounds
15 of unprofessional conduct, in that Respondent was convicted of crimes that are substantially
16 related to the qualifications, functions, and duties of a licensed pharmacy technician.

17 b. Respondent violated Business and Professions Code section 4301(j), on the grounds
18 of unprofessional conduct, in that Respondent violated statutes regulating controlled substances
19 and dangerous drugs.

20 c. Respondent violated Business and Professions Code section 4301(h), on the grounds
21 of unprofessional conduct, in that Respondent used marijuana, a controlled substance, in a
22 manner as to be dangerous or injurious to himself, others, and the public.

23 d. Respondent violated Business and Professions Code section 4301(f), on the grounds
24 of unprofessional conduct, in that Respondent committed an act involving moral turpitude,
25 dishonesty, fraud, deceit, or corruption.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 108853, heretofore issued to Respondent William Rajan Pal, 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 at 5:00 p.m. on May 6, 2016.

It is so ORDERED on April 6, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

12156156.DOC
DOJ Matter ID:SA2015100602

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(WILLIAM RAJAN PAL)

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2 KENT D. HARRIS
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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:
12 **WILLIAM RAJAN PAL**
8409 Deer Fern Court
13 Antelope, California 95843
14 **Pharmacy Technician Registration**
15 **No. TCH 108853**
16 Respondent.

Case No. 5395
ACCUSATION

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.

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JURISDICTION

3. Business and Professions Code ("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 . . .

4. 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.

STATUTORY AND REGULATORY PROVISIONS

5. 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 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.

(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.

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1 (f) 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(D), 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.

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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

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