

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

In the Matter of the Statement of Issues  
Against:

**SUKHBIR SINGH BRAR**

**3230 Gray Bark Avenue  
Clovis, CA 93619**

**Pharmacy Technician Applicant**

Respondent.

Case No. 6074

Oah No. 2017070180

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on March 12, 2018.

It is so ORDERED on February 9, 2018.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

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

13 **SUKHBIR SINGH BRAR**

14 **3230 Gray Bark Avenue**  
15 **Clovis, CA 93619**

16 **Pharmacy Technician License**

17 Respondent.

Case No. 6074

OAH No. 2017070180

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
23 (Board). She brought this action solely in her official capacity and is represented in this matter by  
24 Xavier Becerra, Attorney General of the State of California, by Kevin W. Bell, Deputy Attorney  
25 General.

26 2. Respondent Sukhbir Singh Brar (Respondent) is represented in this proceeding by  
27 attorney Jonathan C. Turner, Esq., whose address is: 1007 7th Street, Suite 304  
28 Sacramento, CA 95814-3407.



1 communicate directly with the Board regarding this stipulation and settlement, without notice to  
2 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
3 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
4 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
5 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
6 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
7 and the Board shall not be disqualified from further action by having considered this matter.

8 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
9 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
10 signatures thereto, shall have the same force and effect as the originals.

11 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
14 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
16 writing executed by an authorized representative of each of the parties.

17 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
18 the Board may, without further notice or formal proceeding, issue and enter the following  
19 Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Respondent Sukhbir Singh Brar that Pharmacy Technician  
22 License will be issued and immediately revoked. The revocation will be stayed and the  
23 Respondent placed on five (5) years probation on the following terms and conditions.

24 1. **Certification Prior to Beginning Work**

25 Respondent shall be automatically suspended from working as a pharmacy technician until  
26 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
27 satisfactory proof of certification to the board. Failure to achieve certification within one (1) year  
28 shall be considered a violation of probation. Respondent shall not begin working as a pharmacy

1 technician until notified by the board.

2 During suspension, respondent shall not enter any pharmacy area or any portion of any  
3 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
4 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
5 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
6 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
7 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
8 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
9 substances.

10 Failure to comply with this suspension shall be considered a violation of probation.

11 **2. Obey All Laws**

12 Respondent shall obey all state and federal laws and regulations.

13 Respondent shall report any of the following occurrences to the board, in writing, within  
14 seventy-two (72) hours of such occurrence:

- 15  an arrest or issuance of a criminal complaint for violation of any provision of the  
16 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
17 substances laws
- 18  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
19 criminal complaint, information or indictment
- 20  a conviction of any crime
- 21  discipline, citation, or other administrative action filed by any state or federal agency  
22 which involves respondent's Pharmacy Technician's license or which is related to the  
23 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
24 or charging for any drug, device or controlled substance.

25 Failure to timely report any such occurrence shall be considered a violation of probation.

26 **3. Report to the Board**

27 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
28 designee. The report shall be made either in person or in writing, as directed. Among other

1 requirements, respondent shall state in each report under penalty of perjury whether there has  
2 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
3 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
4 in submission of reports as directed may be added to the total period of probation. Moreover, if  
5 the final probation report is not made as directed, probation shall be automatically extended until  
6 such time as the final report is made and accepted by the board.

7 **4. Interview with the Board**

8 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
9 with the board or its designee, at such intervals and locations as are determined by the board or its  
10 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
11 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
12 the period of probation, shall be considered a violation of probation.

13 **5. Cooperate with Board Staff**

14 Respondent shall cooperate with the board's inspection program and with the board's  
15 monitoring and investigation of respondent's compliance with the terms and conditions of his  
16 probation. Failure to cooperate shall be considered a violation of probation.

17 **6. Notice to Employers**

18 During the period of probation, respondent shall notify all present and prospective  
19 employers of the decision in case number 6074 and the terms, conditions and restrictions imposed  
20 on respondent by the decision, as follows:

21 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
22 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
23 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
24 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
25 individual(s) has/have read the decision in case number 6074 and the terms and conditions  
26 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
27 supervisor(s) submit timely acknowledgement(s) to the board.

28 If respondent works for or is employed by or through a pharmacy employment service,

1 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
2 of the terms and conditions of the decision in case number 6074 in advance of the respondent  
3 commencing work at each pharmacy. A record of this notification must be provided to the board  
4 upon request.

5 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
6 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
7 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
8 report to the board in writing acknowledging that he has read the decision in case number 6074  
9 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
10 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

11 Failure to timely notify present or prospective employer(s) or to cause that/those  
12 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
13 probation.

14 "Employment" within the meaning of this provision shall include any full-time, part-time,  
15 temporary or relief service or pharmacy management service as a pharmacy technician or in any  
16 position for which a pharmacy technician license is a requirement or criterion for employment,  
17 whether the respondent is considered an employee, independent contractor or volunteer.

#### 18 **7. Probation Monitoring Costs**

19 Respondent shall pay any costs associated with probation monitoring as determined by the  
20 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
21 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
22 be considered a violation of probation.

#### 23 **8. Status of License**

24 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
25 technician license with the board, including any period during which suspension or probation is  
26 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

27 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
28 otherwise at any time during the period of probation, including any extensions thereof due to

1 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
2 terms and conditions of this probation not previously satisfied.

3 **9. License Surrender While on Probation/Suspension**

4 Following the effective date of this decision, should respondent cease work due to  
5 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
6 respondent may tender his pharmacy technician license to the board for surrender. The board or  
7 its designee shall have the discretion whether to grant the request for surrender or take any other  
8 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
9 license, respondent will no longer be subject to the terms and conditions of probation. This  
10 surrender constitutes a record of discipline and shall become a part of the respondent's license  
11 history with the board.

12 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician  
13 license to the board within ten (10) days of notification by the board that the surrender is  
14 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
15 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
16 applicable to the license sought as of the date the application for that license is submitted to the  
17 board.

18 **10. Notification of a Change in Name, Residence Address, Mailing Address or**  
19 **Employment**

20 Respondent shall notify the board in writing within ten (10) days of any change of  
21 employment. Said notification shall include the reasons for leaving, the address of the new  
22 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
23 shall further notify the board in writing within ten (10) days of a change in name, residence  
24 address and mailing address, or phone number.

25 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
26 phone number(s) shall be considered a violation of probation.

27 **11. Tolling of Probation**

28 Except during periods of suspension, respondent shall, at all times while on probation, be



1 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.  
2 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
3 period of probation shall be extended by one month for each month during which this minimum is  
4 not met. During any such period of tolling of probation, respondent must nonetheless comply  
5 with all terms and conditions of probation.

6 Should respondent, regardless of residency, for any reason (including vacation) cease  
7 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
8 respondent must notify the board in writing within ten (10) days of cessation of work and must  
9 further notify the board in writing within ten (10) days of the resumption of the work. Any  
10 failure to provide such notification(s) shall be considered a violation of probation.

11 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
12 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
13 exceeding thirty-six (36) months.

14 "Cessation of work" means calendar month during which respondent is not working for at  
15 least 40 hours as a pharmacy technician, as defined in Business and Professions Code section  
16 4115. "Resumption of work" means any calendar month during which respondent is working as a  
17 pharmacy technician for at least 40 hours as a pharmacy technician as defined by Business and  
18 Professions Code section 4115.

## 19 12. Violation of Probation

20 If a respondent has not complied with any term or condition of probation, the board shall  
21 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
22 all terms and conditions have been satisfied or the board has taken other action as deemed  
23 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
24 to impose the penalty that was stayed.

25 If respondent violates probation in any respect, the board, after giving respondent notice  
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
27 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
28 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

1 a petition to revoke probation or an accusation is filed against respondent during probation, the  
2 board shall have continuing jurisdiction, and the period of probation shall be automatically  
3 extended until the petition to revoke probation or accusation is heard and decided.

4 **13. No Ownership of Licensed Premises**

5 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
6 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
7 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
8 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
9 days following the effective date of this decision and shall immediately thereafter provide written  
10 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
11 documentation thereof shall be considered a violation of probation.

12 **14. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

13 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
14 attendance at a recognized and established substance abuse recovery support group in California,  
15 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
16 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
17 directed by the board or its designee. Respondent shall continue regular attendance and submit  
18 signed and dated documentation confirming attendance with each quarterly report for the duration  
19 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
20 probation.

21 **15. Attend Individual Counseling**

22 Respondent shall participate in individual counseling which has been approved by the board  
23 or its designee. The frequency of the individual counseling that the Respondent shall participate  
24 in shall be determined by the board or its designee. Once approved by the board or its designee,  
25 Respondent shall continue regular attendance and submit signed and dated documentation  
26 confirming attendance with each quarterly report for the duration of probation. Failure to attend  
27 or submit documentation thereof shall be considered a violation of probation.

28 ///

1           **16. Random Drug Screening**

2           Respondent, at his own expense, shall participate in random testing, including but not  
3 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
4 screening program as directed by the board or its designee. Respondent may be required to  
5 participate in testing for the entire probation period and the frequency of testing will be  
6 determined by the board or its designee. At all times respondent shall fully cooperate with the  
7 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
8 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
9 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
10 of probation. Upon request of the board or its designee, respondent shall provide documentation  
11 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
12 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
13 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
14 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
15 shall be considered a violation of probation and shall result in the automatic suspension of work  
16 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
17 board in writing.

18           **17. Work Site Monitor**

19           Within ten (10) days of the effective date of this decision, respondent shall identify a work  
20 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
21 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
22 reports in writing to the board quarterly. Should the designated work site monitor determine at  
23 any time during the probationary period that respondent has not maintained sobriety, he shall  
24 notify the board immediately, either orally or in writing as directed. Should respondent change  
25 employment, a new work site monitor must be designated, for prior approval by the board, within  
26 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
27 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
28 considered a violation of probation.

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**18. Notification of Departure**

Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in writing of the dates of departure and return. Failure to comply with this provision shall be considered a violation of probation.

**19. Abstain from Drugs and Alcohol Use**

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

**20. Completion of Probation**

Upon written notice by the board indicating successful completion of probation, respondent's pharmacy technician license will be fully restored.

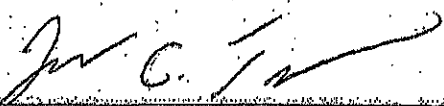
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Jonathan C. Turner, Esq.. I understand the stipulation and the  
4 effect it will have on my Pharmacy Technician License. I enter into this Stipulated Settlement and  
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
6 Decision and Order of the Board of Pharmacy.

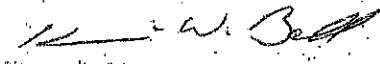
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8 DATED: 10/27/17   
9 SUKBIR SINGH BRAR  
10 *Respondent*

11 I have read and fully discussed with Respondent Sukbir Singh Brar the terms and  
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
13 I approve its form and content.

14 DATED: 10-27-17   
15 JONATHAN C. TURNER, ESQ.  
16 *Attorney for Respondent*

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Board of Pharmacy.

20 Dated: \_\_\_\_\_ Respectfully submitted,  
21 XAVIER BECERRA  
22 *Attorney General of California*  
23 KENT D. HARRIS  
24 *Supervising Deputy Attorney General*  
25   
26 KHATY W. BELL  
27 *Deputy Attorney General*  
28 *Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 6074**

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 KEVIN W. BELL  
Deputy Attorney General  
4 State Bar No. 192063  
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6 Telephone: (916) 445-6064  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
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11 In the Matter of the Statement of Issues  
Against:

Case No. 6074

12 **SUKHIBIR SINGH BRAR**

**STATEMENT OF ISSUES**

13 **Pharmacy Technician License Applicant**

14 Respondent.

15 Virginia Herold ("Complainant") alleges:

16 **PARTIES**

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

19 2. On or about May 16, 2016, the Board received an application for a Pharmacy  
20 Technician License from Sukhbir Singh Brar ("Respondent"). On or about May 12, 2016,  
21 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
22 representations in the application. The Board denied the application on February 10, 2017.  
23

24 **JURISDICTION**

25 3. Pursuant to Business and Professions Code ("Code") section 485, subdivision (b), on  
26 or about February 10, 2017, Respondent's application was denied and he was notified of the right  
27 to a hearing to appeal that denial.  
28

1 4. On or about February 17, 2017, Respondent requested a hearing to appeal the denial  
2 of his application.

3 **STATUTORY PROVISIONS**

4 5. Section 480 of the Code states, in pertinent part:

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

7 (1) Been convicted of a crime. A conviction within the meaning of this  
8 section means a plea or verdict of guilty or a conviction following a plea of nolo  
9 contendere. Any action that a board is permitted to take following the establishment  
10 of a conviction may be taken when the time for appeal has elapsed, or the judgment  
11 of conviction has been affirmed on appeal, or when an order granting probation is  
12 made suspending the imposition of sentence, irrespective of a subsequent order under  
13 the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

14 ...

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

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

20 6. Code section 4301 states, in pertinent part:

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

25 ...

26 (h) The administering to oneself, of any controlled substance, or the use of  
27 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
28 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 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



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

### 8 FIRST CAUSE FOR DENIAL OF APPLICATION

#### 9 (Criminal Convictions)

10 7. Respondent's application is subject to denial under Code section 480,  
11 subdivision (a)(1), in that Respondent was convicted of crimes substantially related to the  
12 qualifications, functions and duties of a pharmacy technician, as follows:

13 a. On or about February 15, 2001, in a criminal proceeding entitled *People v. Sukhbir*  
14 *Singh Brar* (Solano County Super. Ct., Case-No. FCR187734), Respondent was convicted by the  
15 court on his plea of *nolo contendere* to violating Vehicle Code section 23152, subdivision (b)  
16 (driving with a blood alcohol of 0.08 percent or higher), a misdemeanor. The circumstances are  
17 as follows: On or about December 2, 2000, a traffic enforcement stop was conducted on  
18 Respondent where he was found driving under the influence of alcohol.

19 b. On or about May 24, 2010, in a criminal proceeding entitled *People v. Sukhbir Singh*  
20 *Brar* (Fresno County Super. Ct., Case No. M10914722), Respondent was convicted by the court  
21 on his plea of *nolo contendere* to violating Vehicle Code section 23152, subdivision (b) (driving  
22 with a blood alcohol of 0.08 percent or higher), a misdemeanor, with one prior. The imposition  
23 of Respondent's sentence was suspended and three (3) years of conditional probation was  
24 granted. The circumstances are as follows: On or about February 28, 2010, Respondent was  
25 approaching the Sobriety/Driver's License checkpoint conducted by Fresno Police Department  
26 (FPD) officers at a high rate of speed. Respondent was commanded to stop his vehicle after he  
27 failed to stop at the designated area and drove past by approximately seven (7) to ten (10) feet.  
28 Upon initial contact, a FPD officer asked Respondent why he did not stop and Respondent

1 explained that he thought the officer was waiving him through. The FPD officer observed  
2 Respondent to have red, bloodshot eyes, slurred speech and had a strong odor of alcoholic  
3 beverage emitting from his breath. Respondent admitted to consuming alcoholic beverages prior  
4 to driving. The FPD Officer conducted field sobriety tests with Respondent, which he was unable  
5 to satisfactorily perform. Respondent consented to a Preliminary Alcohol Screening ("PAS") test  
6 that measured his blood alcohol level at 0.104 percent.

7 c. On or about August 21, 2014, in the criminal proceeding entitled *People v. Sukhbir*  
8 *Singh Brar* (Fresno County Super. Ct., Case No. M14918138), Respondent was convicted by the  
9 court on his plea of guilty to violating Vehicle Code section 23152, subdivision (b) ((driving with  
10 a blood alcohol of 0.08 percent or higher), a misdemeanor, with priors. The imposition of  
11 Respondent's sentence was suspended and three (3) years of conditional probation was granted.  
12 The circumstances are as follows: On or about March 8, 2014, a California Highway Patrol  
13 ("CHP") officer conducted a traffic enforcement stop on Respondent for failing to stop at a stop  
14 sign. Upon initial contact, the CHP officer detected the odor of an alcoholic beverage emitting  
15 from within Respondent's vehicle. After Respondent exited his vehicle upon the CHP officer's  
16 directive; the CHP officer observed that Respondent had an unsteady gait, his speech was slurred  
17 and his eyes were red and watery. A second CHP Officer was requested to conduct a driving  
18 under the influence ("DUI") evaluation. Upon arrival to the scene, the CHP officer conducted  
19 field sobriety tests with Respondent which he was unable to satisfactorily perform. Respondent  
20 submitted to a blood test measured his blood alcohol level at 0.14 percent.

21 **SECOND CAUSE FOR DENIAL OF APPLICATION**

22 **(Committed Acts which if Done by a Licentiate Would Be Grounds for Discipline)**

23 8. Respondent's application is subject to denial under Code section 480,  
24 subdivision (a)(3)(A), in that Respondent committed acts that if done by a licensed pharmacy  
25 technician would be grounds for discipline, as follows:

26 a. Respondent was convicted of crimes substantially related to the qualifications,  
27 functions and duties of a pharmacy technician, as more particularly set forth above in

28 ///

1 paragraph 7, subparagraphs a, b, and c, which are grounds for discipline under Code section 4301,  
2 subdivision (l).

3 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or  
4 injurious to himself or others, as more particularly set forth above in paragraph 7,  
5 subparagraphs a, b, and c, which is grounds for discipline under Code section 4301,  
6 subdivision (h).

7 c. Respondent was convicted of a crime involving alcoholic beverages, as more  
8 particularly set forth above in paragraph 7, subparagraphs a, b, and c, which is grounds for  
9 discipline under Code section 4301, subdivision (k).

10 **PRAYER**

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

- 13 1. Denying the application of Sukhbir Singh Brar for a Pharmacy Technician License;  
14 2. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 6/9/17 Virginia Herold

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

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