

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:
SUKHJEET BAJWA
9612 Pony Mountain Road
Bakersfield, CA 93313

Case No. AC 2017-1146

OAH No. 2018050213

Chiropractic License No. DC 30003


Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Chiropractic Examiners, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 11, 2018.

It is so ORDERED August 13, 2018


FOR THE BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
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Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF CHIROPRACTIC EXAMINERS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **SUKHJEET BAJWA**
9612 Pony Mountain Road
12 Bakersfield, CA 93313

Case No. AC 2017-1146

OAH No. 2018050213

13 **Chiropractic License No. DC 30003**
14 Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled
17 proceedings that the following matters are true:

18 PARTIES

19 1. Robert Puleo (Complainant) is the Executive Officer of the Board of Chiropractic
20 Examiners (Board). He brought this action solely in his official capacity and is represented in this
21 matter by Xavier Becerra, Attorney General of the State of California, by Christine J. Lee, Deputy
22 Attorney General.

23 2. Sukhjeet Bajwa (Respondent) is represented in this proceeding by attorney Negin
24 Yamini, whose address is 5670 Wilshire Blvd, Suite 1860, Los Angeles, California 90036.

25 3. On or about December 27, 2005, the Board issued Chiropractic License No. DC
26 30003 to Respondent. The Chiropractic License was in full force and effect at all times relevant
27 to the charges brought in Accusation No. AC 2017-1146 and will expire on September 30, 2018,
28 unless renewed.

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JURISDICTION

4. Accusation No. AC 2017-1146 was filed before the Board of Chiropractic Examiners (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 25, 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. AC 2017-1146 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. AC 2017-1146. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his 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.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. AC 2017-1146, agrees that cause exists for discipline and hereby surrenders his Chiropractic License No. DC 30003 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Chiropractic License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly

1 with the Board regarding this stipulation and surrender, without notice to or participation by
2 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
3 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
4 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
5 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
7 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 Surrender of License and Order, including Portable Document Format
10 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

11 12. This Stipulated Surrender of License and 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 Surrender of License and Order
15 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
16 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 Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Chiropractic License No. DC 30003, issued to Respondent
21 Sukhjeet Bajwa, is surrendered and accepted by the Board of Chiropractic Examiners.

22 1. The surrender of Respondent's Chiropractic License and the acceptance of the
23 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
24 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
25 license history with the Board of Chiropractic Examiners.

26 2. Respondent shall lose all rights and privileges as a chiropractor in California as of the
27 effective date of the Board's Decision and Order.

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1 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
2 issued, his wall certificate on or before the effective date of the Decision and Order.

3 4. If Respondent ever files an application for licensure or a petition for reinstatement in
4 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
5 comply with all the laws, regulations and procedures for reinstatement of a revoked or
6 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
7 contained in Accusation No. AC 2017-1146 shall be deemed to be true, correct and admitted by
8 Respondent when the Board determines whether to grant or deny the petition.

9 5. Respondent shall pay the agency its costs of investigation and enforcement in the
10 amount of \$8,882.50 prior to issuance of a new or reinstated license.

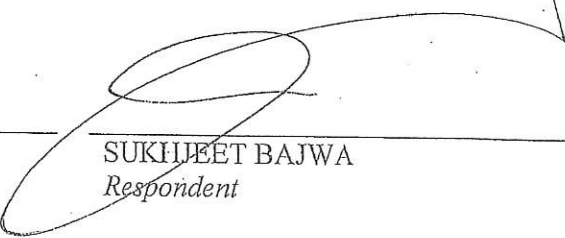
11 6. If Respondent should ever apply or reapply for a new license or certification, or
12 petition for reinstatement of a license, by any other health care licensing agency in the State of
13 California, all of the charges and allegations contained in Accusation, No. AC 2017-1146 shall be
14 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
15 Issues or any other proceeding seeking to deny or restrict licensure.

16 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
17 years from the effective date of the Board's Decision and Order.

18 ACCEPTANCE

19 I have carefully read the above Stipulated Surrender of License and Order and have fully
20 discussed it with my attorney, Negin Yamini. I understand the stipulation and the effect it will
21 have on my Chiropractic License. I enter into this Stipulated Surrender of License and Order
22 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
23 Board of Chiropractic Examiners.

24
25 DATED: 07/23/18

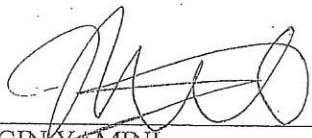

SUKHJEET BAJWA
Respondent

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1 I have read and fully discussed with Respondent Sukhjeet Bajwa the terms and conditions
2 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
3 and content.

4
5 DATED:

07/23/18


6 NEGIN YAMINI
7 Attorney for Respondent

8 ENDORSEMENT


9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
10 for consideration by the Board of Chiropractic Examiners of the Department of Consumer
11 Affairs.

12 Dated:

7/23/18

Respectfully submitted,

13 XAVIER BECERRA
14 Attorney General of California
15 ARMANDO ZAMBRANO
16 Supervising Deputy Attorney General


17 CHRISTINE J. LEE
18 Deputy Attorney General
19 Attorneys for Complainant

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Exhibit A

Accusation No. AC 2017-1146

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF CHIROPRACTIC EXAMINERS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

Case No. AC 2017-1146

13 **SUKHJEET SINGH BAJWA**
14 **1461 W. Nancy Lane**
Porterville, CA 93257

FIRST AMENDED ACCUSATION

15 **Chiropractic License No. DC 30003**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Robert Puleo (Complainant) brings this Accusation solely in his official capacity as
20 the Executive Officer of the Board of Chiropractic Examiners, Department of Consumer Affairs.

21 2. On or about December 27, 2005, the Board of Chiropractic Examiners issued
22 Chiropractic License Number DC 30003 to Sukhjeet Singh Bajwa (Respondent). The
23 Chiropractic License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on September 30, 2018, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following
3 sections of the Chiropractic Act (Act).¹

4 4. Section 10 of the Act states, in pertinent part, that the Board may suspend or revoke a
5 license to practice chiropractic or may place the license on probation for violations of the rules
6 and regulations adopted by the Board or for any cause specified in the Chiropractic Initiative Act.

7 5. Under Business and Professions Code section 1000-10, subd. (a), the Board may
8 by rule or regulation adopt, amend or repeal rules of professional conduct appropriate to the
9 establishment and maintenance of a high standard of professional service and the protection of
10 the public. The regulations adopted by the Board in title 15, California Code of Regulations,
11 section 300 et seq.

12 6. Under Business and Professions Code section 1000-10, subd. (b), the Board may
13 suspend or revoke a license to practice chiropractic or may place the license on probation for
14 violations of the rules and regulations adopted by the Board or for any cause specified in the
15 Chiropractic Initiative Act.

16 7. California Code of Regulations, title 16, section 355.1 states:

17 The suspension, expiration, or forfeiture by operation of law of a license
18 issued by the board, or its suspension, or forfeiture by order of the board or by order
19 of a court of law, or its surrender without the written consent of the board shall not,
20 during any period in which it may be renewed, restored, reissued, or reinstated,
21 deprive the board of its authority to institute or continue a disciplinary proceeding
22 against the licensee upon any ground provided by law or to enter an order
23 suspending or revoking the license or otherwise taking disciplinary action against
24 the licensee on any such ground.

22 STATUTORY PROVISIONS

23 8. Business and Professions Code section 482 states:

24 Each board under the provisions of this code shall develop criteria to evaluate
25 the rehabilitation of a person when:

26 (a) Considering the denial of a license by the board under Section 480; or

27 ¹ The Chiropractic Act, an initiative measure approved by the electors on November 7,
28 1922, while not included in the Business and Professions Code by the legislature, is set out in
West's Annotated California Codes as sections 1000-1 to 1000-19, and is included in Deering's
California Codes as Appendix I, for convenient reference.

1 (b) Considering suspension or revocation of a license under Section 490.

2 Each board shall take into account all competent evidence of rehabilitation
3 furnished by the applicant or licensee.

4 9. Section 490 of the Code states:

5 (a) In addition to any other action that a board is permitted to take against a
6 licensee, a board may suspend or revoke a license on the ground that the licensee
7 has been convicted of a crime, if the crime is substantially related to the
8 qualifications, functions, or duties of the business or profession for which the
9 license was issued.

10 (b) Notwithstanding any other provision of law, a board may exercise any
11 authority to discipline a licensee for conviction of a crime that is independent of the
12 authority granted under subdivision (a) only if the crime is substantially related to
13 the qualifications, functions, or duties of the business or profession for which the
14 licensee's license was issued.

15 (c) A conviction within the meaning of this section means a plea or verdict of
16 guilty or a conviction following a plea of nolo contendere. Any action that a board
17 is permitted to take following the establishment of a conviction may be taken when
18 the time for appeal has elapsed, or the judgment of conviction has been affirmed on
19 appeal, or when an order granting probation is made suspending the imposition of
20 sentence, irrespective of a subsequent order under the provisions of Section 1203.4
21 of the Penal Code.

22 (d) The Legislature hereby finds and declares that the application of this
23 section has been made unclear by the holding in *Petropoulos v. Department of Real*
24 *Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a
25 significant number of statutes and regulations in question, resulting in potential
26 harm to the consumers of California from licensees who have been convicted of
27 crimes. Therefore, the Legislature finds and declares that this section establishes an
28 independent basis for a board to impose discipline upon a licensee, and that the
amendments to this section made by Senate Bill 797 of the 2007 -08 Regular
Session do not constitute a change to, but rather are declaratory of, existing law.

10. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a
board within the department pursuant to law to deny an application for a license or
to suspend or revoke a license or otherwise take disciplinary action against a person
who holds a license, upon the ground that the applicant or the licensee has been
convicted of a crime substantially related to the qualifications, functions, and duties
of the licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the conviction is substantially
related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority,"
and "registration."

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 317, states in pertinent part:

1 The board shall take action against any holder of a license who is guilty of
2 unprofessional conduct which has been brought to its attention, or whose license
3 has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct includes, but is not limited to, the following:

5 ...

6 (e) Any conduct which has endangered or is likely to endanger the health,
7 welfare, or safety of the public;

8 (f) The administering to oneself, of any controlled substance, or the use of
9 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
10 dangerous or injurious to oneself, or to any other person or to the public, or to the
11 extent that the use impairs the ability of the person to conduct with safety to the
12 public the practice authorized by the license;

13 (g) Conviction of a crime which is substantially related to the qualifications,
14 functions or duties of a chiropractor;

15 ...

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

19 ...

20 (m) Violating or attempting to violate, directly or indirectly, or assisting in or
21 abetting in the violation of, or conspiring to violate any provision or term of the Act or
22 the regulations adopted by the board thereunder.

23 ...

24 COST RECOVERY

25 12. California Code of Regulations, title 16, section 317.5, (a) provides:

26 "In any order in resolution of a disciplinary proceeding before the Board of Chiropractic
27 Examiners, the board may request the administrative law judge to direct a licentiate found
28 to have committed a violation or violations of the Chiropractic Initiative Act to pay a
sum not to exceed the reasonable costs of the investigation and enforcement of the case."

29 FIRST CAUSE FOR DISCIPLINE

30 (Conviction of Substantially Related Crime)

31 13. Respondent is subject to disciplinary action under section 10 of the Act, in
32 accordance with California Code of Regulations, Title 16, section 317(g), for unprofessional
33 conduct in that Respondent was convicted of a crime substantially related to the qualification,
34 functions or duties of a chiropractor.

1 a. On or about April 19, 2018, Respondent was convicted of one felony count of
2 violating Health and Safety Code section 11351 [possess/purchase for sale narcotic/controlled
3 substance] in the criminal proceeding entitled *The People of the State of California v. Sukhjeet*
4 *Singh Bajwa* (Super. Ct. Kern County, No. BF171480A). The court sentenced Respondent to
5 serve one- hundred eighty (180) days in jail. The court also placed Respondent on three (3) years
6 probation, and ordered him to pay fines.

7 b. The circumstances surrounding the conviction are that on or about May 2, 2017,
8 police officers were dispatched to a suspicious activity incident. Respondent was the front
9 passenger in a vehicle, and stated that he had a loaded capped syringe in the interior of his left
10 jacket breast pocket. Police recovered a syringe filled with a dark brown liquid substance believed
11 to be liquid heroin. Officers also found a bottle containing several Xanax pills. In addition,
12 officers located two additional yellow oval shaped pills which later were identified as
13 Hydrocodone. Additional drugs and drug paraphernalia were located inside the vehicle.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Conviction of Substantially Related Crime)**

16 14. Respondent is subject to disciplinary action under section 10 of the Act, in
17 accordance with California Code of Regulations, Title 16, section 317(g), for unprofessional
18 conduct in that Respondent was convicted of a crime substantially related to the qualification,
19 functions or duties of a chiropractor.

20 a. On or about October 30, 2016, Respondent was convicted of three misdemeanor
21 counts, in violation of Penal Code section 25850(A) [carrying a loaded firearm in a public place];
22 Vehicle Code section 23152 (E) [driving under the influence of a drug] and Vehicle Code section
23 20002(A)[hit and run], in the criminal proceeding entitled *The People of the State of California v.*
24 *Sukhjeet Singh Bajwa* (Super. Ct. Kern County, No. MS895272A). The court sentenced
25 Respondent to serve ten (10) days in jail, three (3) years probation, and ordered him to pay
26 \$2,018.00 in fines.

27 b. The circumstances surrounding the convictions are that on or about October 7, 2016,
28 Bakersfield Police officers responded to a call of a vehicle that had crashed into several parked

1 vehicles. Officers observed Respondent and another person walking away from the scene
2 through a nearby alley. Upon contact, Respondent initially admitted he was an occupant of the
3 vehicle involved in the collision but denied being the driver. Police observed seat belt burns and
4 bruising on Respondent's body that was consistent with being in the driver's seat. The vehicle
5 was also registered in Respondent's name and the driver's seat was adjusted for a person of
6 Respondent's height. During the investigation Respondent admitted to smoking marijuana the
7 day before and exhibited objective signs of being under the influence of a controlled substance,
8 including slurred speech, bloodshot eyes, droopy eye-lids, nodding, and inability to stay alert.
9 The second occupant of the vehicle eventually told police that the Respondent was driving the
10 vehicle that crashed and that Respondent had asked her to lie to police. A search of the vehicle
11 revealed two firearms, a Smith and Wesson M&P AR 15 and a Heckler and Koch MP5 22 LR
12 rifle with a faux suppressor. Both rifles had high capacity magazines that contained live
13 ammunition. A records check revealed the firearms were not registered.

14 THIRD CAUSE FOR DISCIPLINE

15 (Conviction of Substantially Related Crime)

16 15. Respondent is subject to disciplinary action under section 10 of the Act, in
17 accordance with California Code of Regulations, Title 16, section 317(g), for unprofessional
18 conduct in that Respondent was convicted of a crime substantially related to the qualification,
19 functions or duties of a chiropractor.

20 a. On or about June 13, 2014, Respondent was convicted of two misdemeanor counts of
21 violating Vehicle Code section 23103 (A) [reckless driving] in the criminal proceeding entitled
22 *The People of the State of California v. Sukhjeet Singh Bajwa* (Super. Ct. Kern County, No.
23 BF152847A). The court sentenced Respondent to serve four (4) days in jail, and three (3) years
24 probation.

25 b. The circumstances surrounding the convictions are that on or about January 15, 2014,
26 Police officers observed Respondent driving a vehicle erratically at speeds of over 80 miles per
27 hour. Respondent made numerous unsafe lanes changes and failed to yield. During a traffic stop,
28 the police officer could smell the odor of alcohol and Respondent exhibited objective signs of

1 being under the influence of alcohol, including unsteady gait, red and watery eyes, and slurred
2 speech. Respondent admitted drinking three beers at a restaurant before driving the vehicle. A
3 preliminary alcohol screen test revealed a blood alcohol concentration of .14%. The Respondent
4 then initially agreed to provide a blood sample and was transported to a hospital. At the hospital
5 the Respondent refused to provide a blood sample.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct – Endangering the Public)**

8 16. Respondent's license is subject to disciplinary action under section 10 of the Act,
9 and California Code of Regulations, title 16, section 317 (e) in that Respondent committed an act
10 that endangered the health, welfare, or safety of the public. Complainant refers to and by this
11 reference incorporates the allegations set forth above in paragraphs 13 through 15, as though set
12 forth fully herein.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Use of Controlled Substances and Alcohol in a Dangerous Manner)**

15 17. Respondent's license is subject to disciplinary action under section 10 of the Act,
16 and California Code of Regulations, title 16, section 317 (f) in that Respondent used controlled
17 substance and alcohol to the extent or in a manner as to be dangerous or injurious to oneself, or
18 to any other person or to the public, or to the extent that the use impairs the ability of the person
19 to conduct with safety to the public the practice authorized by the license. Complainant refers to
20 and by this reference incorporates the allegations set forth above in paragraphs 13 through 15, as
21 though set forth fully herein.

22 **SIXTH CAUSE FOR DISCIPLINE**

23 **(Conviction of Multiple Crimes Involving Dangerous Drugs or Alcohol)**

24 18. Respondent's license is subject to disciplinary action under section 10 of the Act,
25 and California Code of Regulations, title 16, section 317 (i) in that Respondent has been
26 convicted of more than one misdemeanor or any felony involving the use, consumption, or
27 self-administration of any dangerous drug or alcoholic beverage, or any combination of those
28 substances.

1 a. Complainant refers to and by this reference incorporates the allegations set forth
2 above in paragraphs 13 through 15, as though set forth fully herein.

3 b. On or about April 30, 2004, Respondent was convicted of a misdemeanor count
4 of violating Vehicle Code section 23103.5 (A) [wet reckless] in the criminal proceeding entitled
5 *The People of the State of California v. Sukhjeet Singh Bajwa* (Super. Ct. Kern County, No.
6 BM651052A). The court sentenced Respondent to serve two (2) days in jail, and ordered
7 Respondent to three (3) years probation.

8 DISCIPLINARY CONSIDERATIONS

9 19. In order to determine the degree of discipline if any, Complainant alleges:

10 a. On or about April 30, 2004, Respondent was convicted of a misdemeanor count of
11 violating Vehicle Code section 23103.5 (A) [wet reckless] in the criminal proceeding entitled *The*
12 *People of the State of California v. Sukhjeet Singh Bajwa* (Super. Ct. Kern County, No.
13 BM651052A). The court sentenced Respondent to serve two (2) days in jail, and ordered
14 Respondent to three (3) years probation.

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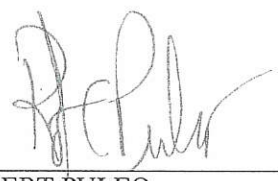
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Chiropractic Examiners issue a decision:

1. Revoking or suspending Chiropractic License Number DC 30003, issued to Sukhjeet Singh Bajwa;
2. Ordering Sukhjeet Singh Bajwa to pay the Board of Chiropractic Examiners the reasonable costs of the investigation and enforcement of this case, pursuant to Title 16, California Code of Regulations, section 317.5; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 05/25/18



ROBERT PULEO
Executive Officer
Board of Chiropractic Examiners
Department of Consumer Affairs
State of California
Complainant