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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

12 **JESSICA CECILIA KOKORIAN**
5506 Laurette Street
13 Torrance, CA 90503

14 **Pharmacy Technician License No. TCH 44692**

15 Respondent.

Case No. 3580

A C C U S A T I O N

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy.

21 2. On or about September 27, 2002, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 44692 to Jessica Cecilia Kokorian (Respondent). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on August 31, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), under the
27 authority of the following laws. All section references are to the Business and Professions Code
28 (Code) unless otherwise indicated.

1 4. Section 118, subdivision (b), of the Code provides that the expiration of a license
2 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
3 within which the license may be renewed, restored, reissued or reinstated.

4 5. Section 4300 of the Code permits the Board to take disciplinary action to suspend or
5 revoke a license issued by the Board.

6 6. Section 4301 of the Code states, in part, that:

7 "The board shall take action against any holder of a license who is guilty of unprofessional
8 conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

9 . . .

10 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
11 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
12 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
13 to the extent that the use impairs the ability of the person to conduct with safety to the public the
14 practice authorized by the license.

15 . . .

16 "(j) The violation of any of the statutes of this state, or any other state, or of the United
17 States regulating controlled substances and dangerous drugs.

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

21 "(l) The conviction of a crime substantially related to the qualifications, functions, and
22 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
23 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
24 substances or of a violation of the statutes of this state regulating controlled substances or
25 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
26 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
27 The board may inquire into the circumstances surrounding the commission of the crime, in order
28 to fix the degree of discipline or, in the case of a conviction not involving controlled substances

1 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
2 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
3 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
4 of this provision. The board may take action when the time for appeal has elapsed, or the
5 judgment of conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
7 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
9 indictment.”

10 7. Section 492 of the Code states, in part, that:

11 "Notwithstanding any other provision of law, successful completion of any diversion
12 program under the Penal Code, or successful completion of an alcohol and drug problem
13 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
14 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
15 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
16 division, from taking disciplinary action against a licensee or from denying a license for
17 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
18 record pertaining to an arrest.

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

20 For the purpose of denial, suspension, or revocation of a personal or facility license
21 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
22 crime or act shall be considered substantially related to the qualifications, functions or duties of a
23 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
24 licensee or registrant to perform the functions authorized by his license or registration in a manner
25 consistent with the public health, safety, or welfare.

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1 **COST RECOVERY**

2 9. Section 125.3 of the Code provides that the Board may request the administrative law
3 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
4 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **STATE DRUG STATUTES**

6 10. Section 4022 of the Code prohibits the dispensing or furnishing of a dangerous drug
7 or dangerous device, which is any drug or device that is unsafe for self-use in humans or animals,
8 without a prescription or as legally authorized.

9 11. Health and Safety Code section 11007 states that "controlled substance" unless
10 otherwise specified, means a drug, substance, or immediate precursor which is listed in any
11 schedule in Section 11054, 11055, 11056, 11057, or 11058.

12 12. Health and Safety Code section 11377, subdivision (a), states, in part, that:

13 "Except as authorized by law and as otherwise provided in subdivision (b) or Section
14 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
15 Business and Professions Code, every person who possesses any controlled substance which is . .
16 . (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a
17 physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished
18 by imprisonment in a county jail for a period of not more than one year or in the state prison."

19 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

20 13. Methamphetamine, a stimulant, is a Schedule II controlled substance as designated by
21 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug
22 pursuant to section 4022 of the Code.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Conviction of Substantially Related Crimes)**

25 14. Respondent has subjected her license to disciplinary action under sections 4301,
26 subdivisions (k) and (l) of the Code, in conjunction with California Code of Regulations, title 16,
27 section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of
28

1 crimes, which are substantially related to the qualifications, functions, or duties of a pharmacy
2 technician, as follows:

3 a. On or about October 9, 2009, in a criminal proceeding entitled *People of the State of*
4 *California v. Jessica Cecilia Kokorian*, in Los Angeles County Superior Court, Case No.
5 9SY08872, Respondent pled guilty to violating Health and Safety Code section 11377,
6 subdivision (a) (possession of a controlled substance, Methamphetamine), a misdemeanor.
7 Respondent was placed on diversion (deferred entry of judgment) for 18 months and fined.

8 b. The circumstances surrounding the diversion are that on or about October 4, 2009,
9 Torrance Police Officers Hassoldt and Ryono were performing a routine traffic stop on a vehicle
10 that was speeding. Officer Ryono identified the passenger in the vehicle as Respondent.
11 Respondent's daughter was the driver of the vehicle. While speaking with Respondent, Officer
12 Ryono was able to smell the odor of an alcoholic beverage emitting from her breath. When
13 questioned by the officer, Respondent admitted that she had several alcoholic drinks that evening
14 and there was a red canteen in the vehicle that contained a "White Russian." Respondent acted
15 very nervously and the officer noticed that she had eyelid tremors when she closed her eyes. In
16 addition, her pupils did not act quickly to the light of the officer's flashlight. These symptoms
17 were consistent with someone that is on a controlled substance stimulant. Respondent admitted to
18 having methamphetamine in the vehicle, as well. Respondent was arrested and transported to
19 Torrance Police Department for booking.

20 c. On or about August 28, 2007, in a criminal proceeding entitled *People of the State of*
21 *California v. Jessica Cecilia Kokorian*, in Los Angeles County Superior Court, Case No.
22 7SY06730, Respondent pled guilty and was convicted for violating Vehicle Code section 23152,
23 subdivision (b) (driving a vehicle with a blood alcohol level of 0.08% or greater), a misdemeanor.
24 Respondent was sentenced to three years of summary probation, required to enroll in and
25 complete a three-month First-Offender Alcohol Program and fined \$1653.00.

26 d. The circumstances surrounding the convictions are that on or about June 29, 2007,
27 while driving a vehicle, Respondent was contacted in a DUI checkpoint in Torrance, California,
28 by Los Angeles County deputy sheriffs. She admitted to drinking. She was requested to perform

1 field sobriety tests, which she failed. Based on the results of the field sobriety tests, the objective
2 signs and symptoms of intoxication (bloodshot, watery eyes, slurred speech), Respondent was
3 arrested for violation of Vehicle Code section 23152(a) (driving under the influence) and
4 23152(b) (driving a vehicle with a blood alcohol level of 0.08% or greater.)

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Violation of State Laws Regulating Controlled Substances)**

7 15. Respondent has subjected her license to disciplinary action under section 4301,
8 subdivision (j), on the grounds of unprofessional conduct, in that on or about October 4, 2009,
9 Respondent violated Health and Safety Code sections 11377, subdivision (a), by illegally
10 possessing a controlled substance and dangerous drug, Methamphetamine, as set forth in
11 paragraph 14, above.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Alcohol Abuse)**

14 16. Respondent has subjected her license to disciplinary action under section 4301,
15 subdivision (h), on the grounds of unprofessional conduct, in that on or about June 29, 2007,
16 Respondent consumed alcohol to the extent or in a manner as to be dangerous or injurious to
17 oneself and to the public, in that she was driving a vehicle with a blood alcohol level of 0.08% or
18 greater in violation of Vehicle Code section 23152, subdivision (b), as set forth in paragraph 14,
19 above.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician License Number TCH 44692, issued
24 to Jessica Cecilia Kokorian;

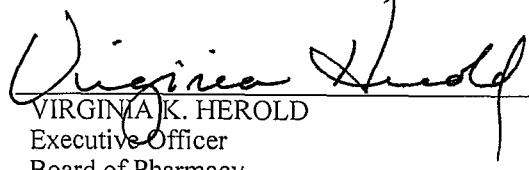
25 2. Ordering Jessica Cecilia Kokorian to pay the Board's reasonable costs of the
26 investigation and enforcement of this case, pursuant to Business and Professions Code section
27 125.3; and,

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

DATED: 4/5/10



VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
State of California
Complainant

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