

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
4 State Bar No. 242920
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2533
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 3589

11 **GRIGOR GILAVYAN**
12 **535 E. Garfield Avenue, #2**
13 **Glendale, CA 91205**
14 **Pharmacy Technician Registration No. TCH**
67429

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about February 22, 2006, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 67429 to Grigor Gilavyan (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on August 31, 2013, unless renewed.

25 **JURISDICTION**

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

1 STATUTORY PROVISIONS

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

6 5. Section 480 states, in pertinent part:

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

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

15 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
16 substantially benefit himself or herself or another, or substantially injure another."

17 6. Section 4300 of the Code states:

18 "(a) Every license issued may be suspended or revoked."

19 7. Section 4301 of the Code states:

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

23

24 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
25 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
26 whether the act is a felony or misdemeanor or not.

27

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Substantially Related Conviction)**

3 9. Respondent is subject to disciplinary action under section 4301, subdivision (l), and
4 section 480, subdivision (a)(1), as a result of his conviction of a crime that is substantially related
5 to the qualifications, functions, and duties of a registered pharmacy technician. On or about
6 October 4, 2007, after pleading nolo contendere, Respondent was convicted of one misdemeanor
7 count of violating Penal Code section 484, subdivision (a) [fraudulently appropriating property
8 entrusted to him], in the criminal proceeding entitled *The People of the State of California v.*
9 *Grigor Gilavyan* (Super. Ct. Los Angeles County, 2007, No. 7GN04789). Respondent was
10 placed on three (3) years probation and ordered to pay a fine. The underlying factual
11 circumstances are as follows:

12 10. On or about July 6, 2007, Respondent was arrested at his place of employment, a
13 Rite-Aid Pharmacy, after admitting to a police officer that he had stolen cash from the store's
14 cash registers after scanning items as "returned". He also stated to the officer that he had stolen
15 the manager's identification number and gained access to the store's computer system. Rite-Aid
16 Loss Prevention personnel reported to the officer that Respondent had stolen a total of one
17 thousand eight hundred sixty-six dollars and thirty-three cents (\$1,866.33) from June 2, 2007,
18 through June 27, 2007.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Dishonest Acts and/or Fraudulent Conduct)**

21 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), and
22 section 480, subdivision (a)(2), in that he committed acts involving moral turpitude, dishonesty,
23 fraud, deceit, or corruption. Specifically, on October 1, 2008, he was arrested for unlawful
24 possession of credit card information for fraudulent use in violation of Penal Code section 484,
25 subdivisions (e) and (d). The circumstances underlying the arrest were that Respondent was
26 contacted by a Glendale Police Department Police Officer on a traffic stop. During a search of
27 Respondent's vehicle, the officer located an American Express gift card in the driver's side door
28 panel. When asked, Respondent told the officer that the card belonged to him. Upon using a

1 credit card reader, the officer discovered that the gift card in Respondent's possession was
2 encoded in the name of a different individual and that the credit card reader recognized the card
3 as a Citibank Mastercard, not an American Express card. In addition, Respondent was convicted
4 of fraudulent appropriation of property, as described above in paragraphs 9 and 10. Complainant
5 refers to and by this reference incorporates the allegations set forth above in paragraphs 9 and 10,
6 inclusive, as though set forth fully.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 12. Respondent is subject to disciplinary action under section action under section 4301,
10 in that he engaged in unprofessional conduct. Complainant refers to and by this reference
11 incorporates the allegations set forth above in paragraphs 9 through 11, inclusive, as though set forth
12 fully.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Violation of Pharmacy Laws and Regulations)**

15 13. Respondent is subject to disciplinary action under section 4301, in that he violated
16 laws and regulations governing pharmacy. Complainant refers to and by this reference incorporates
17 the allegations set forth above in paragraphs 9 through 11, inclusive, as though set forth fully.

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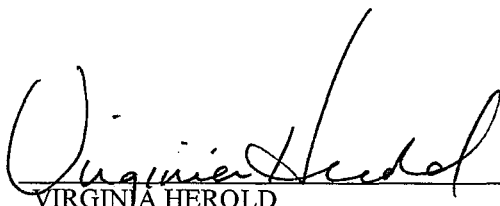
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 67429, issued to Grigor Gilavyan
2. Ordering Grigor Gilavyan 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/28/11



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

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