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

11  
12 In the Matter of the Accusation Against:

Case No. 3728

13  
14 **EDGAR NAVASARDYAN**  
9141 Langdon Avenue  
15 North Hills, CA 91343

**A C C U S A T I O N**

16 Pharmacy Technician Registration No.  
17 TCH 60051

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official  
23 capacity as the Executive Officer of the Board of Pharmacy.
- 24 2. On or about April 26, 2005, the Board of Pharmacy issued Pharmacy Technician  
25 Registration Number TCH 60051 to Edgar Navasardyan (Respondent). The Pharmacy  
26 Technician Registration was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on September 30, 2010, unless renewed.  
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**JURISDICTION**

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

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

7           5.     Section 118(b) of the Code states:

8           "The suspension, expiration, or forfeiture by operation of law of a license issued by a board  
9 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order  
10 of a court of law, or its surrender without the written consent of the board, shall not, during any  
11 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
12 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
13 provided by law or to enter an order suspending or revoking the license or otherwise taking  
14 disciplinary action against the licensee on any such ground."

**STATUTORY PROVISIONS**

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16           6.     Section 4301 of the Code states:

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

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

22           "(1) The conviction of a crime substantially related to the qualifications,  
23 functions, and duties of a licensee under this chapter. The record of conviction of  
24 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
25 States Code regulating controlled substances or of a violation of the statutes of this  
26 state regulating controlled substances or dangerous drugs shall be conclusive  
27 evidence of unprofessional conduct. In all other cases, the record of conviction  
28 shall be conclusive evidence only of the fact that the conviction occurred. The  
board may inquire into the circumstances surrounding the commission of the  
crime, in order to fix the degree of discipline or, in the case of a conviction not  
involving controlled substances or dangerous drugs, to determine if the conviction  
is of an offense substantially related to the qualifications, functions, and duties of a  
licensee under this chapter. A plea or verdict of guilty or a conviction following a  
plea of nolo contendere is deemed to be a conviction within the meaning of this  
provision. The board may take action when the time for appeal has elapsed, or the  
judgment of conviction has been affirmed on appeal or when an order granting  
probation is made suspending the imposition of sentence, irrespective of a  
subsequent order under Section 1203.4 of the Penal Code allowing the person to

1 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
2 the verdict of guilty, or dismissing the accusation, information, or indictment."

3 7. Section 490 of the Code states:

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

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

### 16 REGULATORY PROVISION

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

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

### 24 COST RECOVERY

25 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

### 29 FIRST CAUSE FOR DISCIPLINE

30 (Conviction of a Crime)

31 10. Respondent is subject to disciplinary action under section 4301(l) and 490(a) of the  
32 Code because Respondent was convicted of the following crimes substantially related to the  
33 qualifications, functions, and duties of a pharmacy technician.

34 (a) On or about May 13, 2009, in the Superior Court of the State of California, County of  
35 Los Angeles, Respondent was found guilty by jury trial and convicted of the crime of Stalking, in  
36 violation of Penal Code section 646.9(a), a Felony. The Respondent was sentenced to serve 2

1 years in state prison. (People v. Edgar Navasardyan, Superior Court of the State of California,  
2 County of Los Angeles Case No. GA075055).

3 (b) On or about May 13, 2009, in the Superior Court of the State of California, County of  
4 Los Angeles, Respondent was found guilty by jury trial and convicted of the crime of Criminal  
5 Threats with the Intent to Terrorize, in violation of Penal Code section 422, a serious Felony and  
6 a strike crime pursuant to Penal Code section 1192.7(c)(38). The Respondent was sentenced to  
7 serve 2 years in state prison, to run concurrent with the other criminal sentence. (People v. Edgar  
8 Navasardyan, Superior Court of the State of California, County of Los Angeles Case No.  
9 GA075055).

10 (c) The facts and circumstances surrounding the convictions are that on or about  
11 November 6, 2008, the Respondent's former girlfriend called the Burbank Police Department to  
12 report that the Respondent had threatened to kill her and would not leave her alone. She told  
13 officers she believed Respondent was willing and capable of carrying out the threats. She said the  
14 Respondent showed up at her home to threaten her and that Respondent had sent over 400 text  
15 messages in a period of four days. The text messages indicated she would "pay with her life" if  
16 she did not do what Respondent wanted. She told police that the Respondent threatened to "take  
17 her life" and said to her, "If I go to jail then I will have people come kill you and I'll watch it on  
18 the news."

19 **SECOND CAUSE FOR DISCIPLINE**  
(Committed Act of Moral Turpitude)

20 11. Respondent is subject to disciplinary action under section 4301(f) of the Code  
21 because Respondent committed an act of moral turpitude. Complainant refers to, and by this  
22 reference incorporates, the allegations set forth in paragraph 10 above, as though set forth fully.

23 **DISCIPLINE CONSIDERATIONS**

24 12. To determine the degree of discipline, if any, to be imposed on Respondent,  
25 Complainant alleges that on or about June 7, 2002, in a prior criminal proceeding entitled People  
26 v. Edgar Navasardyan in Los Angeles Superior Court (case number 2NE1052), Respondent was  
27 convicted of Battery, in violation of Penal Code section 242-243(a), a misdemeanor and was  
28 ordered to serve 30 days in jail, complete a domestic violence counseling program and placed on

1 36 months probation. The record of the criminal proceeding is incorporated as if fully set forth.

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**PRAYER**

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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:

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1. Revoking or suspending Pharmacy Technician Registration Number TCH 60051, issued to Edgar Navasardyan;

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2. Ordering Edgar Navasardyan 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;

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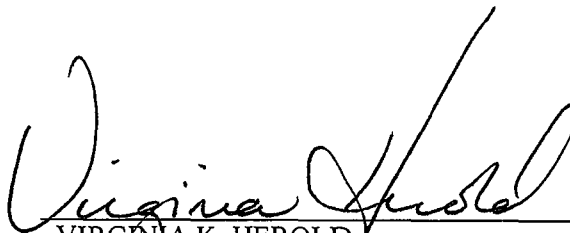
3. Taking such other and further action as deemed necessary and proper.

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DATED: 9/28/10



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

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