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

12 In the Matter of the Accusation Against:

Case No. 3852

13 **SEVAK GHAZARIAN**  
14 **1760 Gardena Ave., #220**  
15 **Glendale, CA 91204**  
16 **Pharmacy Technician Registration No. TCH**  
17 **76239**

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

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about May 31, 2007, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 76239 to Sevak Ghazarian (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on September 30, 2012, unless renewed.

26 **JURISDICTION**

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

STATUTORY PROVISIONS

1  
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 of jurisdiction to proceed with a  
4 disciplinary action during the period within which the license may be renewed, restored, reissued  
5 or reinstated.

6       5.     Section 490 states:

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

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

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

24       6.     Section 4300 permits the Board to take disciplinary action to suspend or revoke a  
25 license issued by the Board.

26       7.     Section 4301 states:

27             "The board shall take action against any holder of a license who is guilty of unprofessional  
28 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct shall include, but is not limited to, any of the following:

.....

(g) Knowingly making or signing any certificate or other document that falsely represents  
the existence or nonexistence of a state of facts.

(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
2 practice authorized by the license.

3 . . . .

4 (l) The conviction of a crime substantially related to the qualifications, functions, and  
5 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
6 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
7 substances or of a violation of the statutes of this state regulating controlled substances or  
8 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
9 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
10 The board may inquire into the circumstances surrounding the commission of the crime, in order  
11 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
12 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
13 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
14 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
15 of this provision. The board may take action when the time for appeal has elapsed, or the  
16 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
17 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
18 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
19 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
20 indictment.”

21 **REGULATORY PROVISIONS**

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

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

1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Conviction)**

8 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
9 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1770, in  
10 that Respondent was convicted of a crime which is substantially related to the qualifications,  
11 functions, or duties of a pharmacy technician, as follows:

- 12 a. On or about November 2, 2009 in the criminal matter entitled *The People of the State of*  
13 *California vs. Seyak Ghazarian* (Super. Ct. County of Los Angeles, 2009, No.  
14 9VY04130), Respondent entered a plea of guilty to a violation of California Vehicle  
15 Code section 23152 (b), driving with a blood alcohol level of .08% or above.  
16 Respondent was placed on probation for a period of three years. Among the terms of  
17 probation were that Respondent was ordered to attend eight Alcoholics Anonymous  
18 classes, pay court fines, complete the Department of Motor Vehicles' alcohol education  
19 program, and totally abstain from the use of alcohol.
- 20 b. The basis for the conviction was that on or about September 13, 2009, at 3:40 a.m., an  
21 Officer with the California Highway Patrol initiated a traffic enforcement stop on  
22 Respondent's vehicle as Respondent was driving 80 mph on the Hollywood Freeway  
23 with a blood alcohol level later determined to be .11%.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Dangerous Use of Alcohol)**

26 11. Respondent is subject to disciplinary action under sections 4301, subdivision (h) of  
27 the Code in that Respondent unlawfully used alcohol to an extent or in a manner dangerous or  
28 injurious to himself, to any person, or the public to the extent that such use impairs his ability to

1 conduct with safety to the public the practice authorized by his license. The circumstances are as  
2 more particularly described in paragraph 10, subdivisions (a) and (b), inclusive, above, and are  
3 herein incorporated by reference.

4 **THIRD CAUSE FOR DISCIPLINE**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (g) of  
6 the Code in that Respondent knowingly signed a document that falsely represented the existence  
7 of a state of facts as follows:

8 13. On or about January 16, 2003, in the criminal matter entitled *People v. Ghazarian*  
9 (Super. Court Los Angeles 2003) case number 3G100099, Respondent was convicted of a  
10 misdemeanor violation of Penal Code section 415 (2) disturbing the peace. Respondent was  
11 placed on probation for a period of one year, ordered to do two days of community service with  
12 Cal-Trans, and pay a restitution fine. The matter was later dismissed pursuant to Penal Code  
13 section 1203.4

14 14. The basis for the conviction was that on or about December 23, 2002, officers with  
15 the Glendale Police Department located marijuana in the roof mounted center console of the  
16 vehicle that Respondent was driving.

17 15. On or March 8, 2007, Respondent submitted his application to the Board for  
18 registration as a pharmacy technician.

19 16. The application included the following question: "Have you ever been convicted of or  
20 pled no contest to a violation of any law of a foreign country, the United States or any state laws  
21 or local ordinances? You must include all misdemeanor and felony conviction, regardless of the  
22 age of the conviction, including those which have been set aside under Penal Code section  
23 1203.4. Traffic violations of \$500 or less need not be reported. If "yes," attach an explanation  
24 including the type of violation, the date, circumstances, location and the complete penalty  
25 received. In addition to this written explanation, please provide the Board of Pharmacy with  
26 certified copies of al pertinent court documents or arrests reports relating to this conviction."

27 17. To this question, Respondent answered, "No."  
28

1 18. Respondent then signed the applicant affidavit as follows, "I, Sevak Ghazarian,  
2 hereby attest to the fact that I am the applicant whose signature appears below. I understand that  
3 falsification of the information on this form may constitute grounds for denial or revocation of the  
4 license. I hereby certify under penalty of perjury under the laws of the State of California to the  
5 truth and accuracy of all statements, answers and representations made in this application,  
6 including all supplementary statements. I also certify that I have read and understand the  
7 instructions attached to this application."

8 **PRAYER**

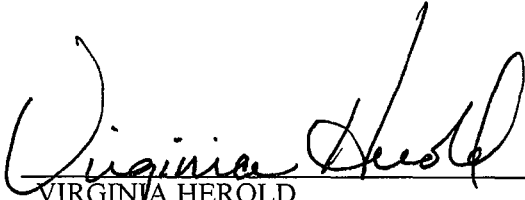
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 76239,  
12 issued to Sevak Ghazarian;

13 2. Ordering Sevak Ghazarian to pay the Board of Pharmacy the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3;

16 3. Taking such other and further action as deemed necessary and proper.  
17

18  
19 DATED: 11/17/10

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

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