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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: **JORA PETROSIAN** 1208 Green St. Glendale, CA 91205 Registered Pharmacy Technician License No. TCH 94104 Respondent.	Case No. 3974 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about December 3, 2009, the Board issued Registered Pharmacy Technician License Number TCH 94104 to Jora Petrosian (Respondent). The Registered Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

JURISDICTION

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

STATUTORY PROVISIONS

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

5. Section 490 of the Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code.

6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."

7. Section 4301 of the Code states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional 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:

. . . .

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

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

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"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter [the Pharmacy Law] or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

10. Respondent is subject to disciplinary action under sections 490, 4300, subdivision (a), and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that, Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a registered pharmacist. The circumstances are as follows:

a. On or about October 13, 2011, after pleading nolo contendere, Respondent was convicted of one (1) felony count of violating Penal Code section 245(a)(1) [assault with a deadly weapon in the criminal proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los Angeles County, 2011, No. GA084073). The Court sentenced Respondent to two (2) years of state prison with no probation, and credit for two days jail time. Furthermore, the

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Court ordered Respondent to make restitution to the victim in the amount of $1862.35, restitution and parole restitution fines, and court fees.

b. The circumstances underlying the conviction are that on or about July 7, 2011, Respondent (the driver) and a passenger, angered over a parking space dispute, pursued the occupants in another vehicle, threw bricks at the vehicle, and after the occupants stopped and exited the vehicle, began physically assaulting (which included knocking the victim to the ground by throwing a brick at him and placing him in a choke hold while the other repeatedly hit him) one of the occupants causing substantial injuries to him.

c. On or about September 13, 2010, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 530.5(c)(2) [fraud] in the criminal proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los Angeles County, 2010, No. GA080995). The Court sentenced Respondent to 365 days in jail and placed him on a three-year probation.

d. The circumstances underlying the conviction are that on or about August 26, 2010, Respondent was in possession of a fraudulent re-encoded credit card.

e. On or about August 10, 2010, after pleading nolo contendere, Respondent was convicted of four (4) felony counts of violating Penal Code section 12031(a)(1) [carry a loaded firearm in a public place]; Penal Code section 530.5(a) [get credit/etc: use other's identification]; Penal Code section 484e(d) [theft]; and Penal Code section 470(b) [possession of a forged drivers license] in the criminal proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los Angeles County, 2010, No. GA080130). The Court sentenced Respondent to eight (8) days in jail, placed him on a three-year probation, and ordered Respondent to stay away from victims S.M and A.B., and make restitution to victim A.W. in the amount of $150. Furthermore, the Court ordered Respondent to complete 45 days of Probation Adult Alternative Work Service (P.A.A.W.S).

f. The circumstances underlying the conviction are that on or about April 12, 2010, Respondent was in possession of a loaded firearm, a fictitious driver's license, and a fraudulent re-encoded credit card.

g. On or about January 2, 2009, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23103, subdivision (a) [reckless driving] in the criminal proceeding entitled *The People of the State of California v. Sergio Aguirre* (Super. Ct. Los Angeles County, 2009, No 8GN04346). The Court ordered suspension of sentence and granted probation for a period of 36 months, with terms and conditions that included, but was not limited to, completion of an alcohol program.

SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption,)

11. Respondent is subject to disciplinary action under sections 4300, subdivision (a) and 4301, subdivision (f), on the grounds of unprofessional conduct, in that, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, and/or corruption. Complaint refers to and by this reference incorporates the allegations set forth above in paragraph 10, subparagraphs a-f, inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under sections 4301, subdivision (o), in that, Respondent committed acts of unprofessional conduct violating provisions of the Pharmacy Law. Complaint refers to and by this reference incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth fully.

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 Registered Pharmacy Technician License Number TCH 94104, issued to Jora Petrosian

2. Ordering Jora Petrosian 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: 12/20/12

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

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In the Matter of the Accusation Against: **JORA PETROSIAN** 1208 Green St. Glendale, CA 91205 Registered Pharmacy Technician License No. TCH 94104 Respondent.	Case No. 3974 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about December 3, 2009, the Board issued Registered Pharmacy Technician License Number TCH 94104 to Jora Petrosian (Respondent). The Registered Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

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STATUTORY PROVISIONS

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"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

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"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter [the Pharmacy Law] or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

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COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

10. Respondent is subject to disciplinary action under sections 490, 4300, subdivision (a), and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that, Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a registered pharmacist. The circumstances are as follows:

a. On or about September 13, 2010, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 530.5(c)(2) [fraud] in the criminal proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los Angeles County, 2010, No. GA080995). The Court sentenced Respondent to 365 days in jail and placed Respondent on three (3) years of probation.

b. The circumstances underlying the conviction are that on or about August 26, 2010, Respondent was in possession of a fraudulent re-encoded credit card.

c. On or about August 10, 2010, after pleading nolo contendere, Respondent was convicted of four (4) felony counts of violating Penal Code section 12031(a)(1) [carry a loaded firearm in a public place]; Penal Code section 530.5(a) [get credit/etc: use other's identification]; Penal Code section 484e(d) [theft]; and Penal Code section 470(b) [possession of a forged drivers license] in the criminal proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los Angeles County, 2010, No. GA080130). The Court sentenced Respondent to eight (8) days in jail, placed Respondent on three (3) years of probation, and ordered Respondent to stay away from victims S.M and A.B., and to make restitution to the victim A.W. in the amount of $150. Furthermore, the Court ordered Respondent to complete 45 days of Probation Adult Alternative Work Service (P.A.A.W.S).

d. The circumstances underlying the conviction are that on or about April 12, 2010, Respondent was in possession of a loaded firearm, a fictitious driver's license, and a fraudulent re-encoded credit card.

SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption,)

11. Respondent is subject to disciplinary action under sections 4300, subdivision (a) and 4301, subdivision (f), on the grounds of unprofessional conduct, in that, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, and/or corruption. Complaint refers to and by this reference incorporates the allegations set forth above in paragraph 10, subparagraphs a-d, inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under sections 4301, subdivision (o), in that, Respondent committed acts of unprofessional conduct violating provisions of the Pharmacy Law. Complaint refers to and by this reference incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth fully.

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 Registered Pharmacy Technician License Number TCH 941 04, issued to Jora Petrosian

2. Ordering Jora Petrosian 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: 7/14/11

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

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