

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2536
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4014

12 **MARY ANDREASYAN**
1554 N. Hobart Blvd., #8
13 Los Angeles, CA 90027

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
15 50143

16 Respondent.

17
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 September 11, 2003, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 50143 to Mary Andreasyan (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on October 31, 2012, unless renewed.

26 **JURISDICTION**

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

STATUTORY PROVISIONS

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

5 5. Section 490 provides, in pertinent part:

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

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

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

20 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
21 subject to discipline, including suspension or revocation.

22 7. Section 4301 provides, in pertinent part:

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

26

27 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
28 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and

1 whether the act is a felony or misdemeanor or not.

2

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

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

24 **REGULATORY PROVISIONS**

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

26 "For the purpose of denial, suspension, or revocation of a personal or facility license
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Convictions of Substantially-Related Crimes)**

11 10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
12 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
13 grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially
14 related to the qualifications, functions or duties of a registered pharmacy technician which to a
15 substantial degree evidence her present or potential unfitness to perform the functions authorized
16 by her registration in a manner consistent with the public health, safety, or welfare, as follows:

17 a. On or about December 15, 2009, after pleading *nolo contendere*, Respondent was
18 convicted of one misdemeanor count of violating Vehicle Code section 12500, subdivision (a)
19 [driving while having a suspended license], in the criminal proceedings entitled *The People of the*
20 *State of California v. Mariam Andreasyan* (Super. Ct. Los Angeles County, 2008, No.
21 8GN01473). The Court placed Respondent on probation for a period of 12 months, ordered her
22 to perform 72 hours of community service, and fined her. The circumstances surrounding the
23 conviction are that on or about March 4, 2008, a Glendale Police officer, conducted a routine
24 traffic stop after running a records check on Respondent's vehicle. The officer was advised that
25 Respondent had an outstanding warrant attached to the vehicle. Respondent admitted to the
26 officer that she was driving with a suspended license. Respondent was subsequently convicted of
27 violating Vehicle Code section 12500, subdivision (a) [driving while having a suspended license.]

28 b. On or about January 7, 2010, after pleading *guilty*, Respondent was convicted of one

1 misdemeanor count of violating Penal Code section 602, subdivision (k) [trespassing: injury to
2 property], in the criminal proceedings entitled *The People of the State of California v. Mariam*
3 *Andreasyan* (Super. Ct. Los Angeles County, 2007, No. 7PS04187). The Court placed
4 Respondent on probation for a period of 2 years, and fined her. The circumstances surrounding
5 the conviction are that on or about March 5, 2007 through May 24, 2007, Respondent while being
6 employed as a Pharmacy Technician at Rite Aid, took money from Rite Aid without permission
7 and authorization in the excess amount of \$5,000.00. Respondent made several refund
8 transactions on record, during the three month period, without customers being present at the
9 register, and was taking the cash of the refund amounts. On or about June 11, 2007, Respondent
10 informed her supervisor that she wished to be terminated and would not be going back to Rite
11 Aid. Respondent was subsequently convicted of violating Penal Code section 602, subdivision
12 (k) [trespassing: injury to property].

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Acts Involving Moral Turpitude, Dishonesty, Corruption, Fraud, Deceit)**

15 11. Respondent is subject to disciplinary action under sections 4300, and 4301,
16 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
17 involving moral turpitude, dishonesty, fraud, deceit and/or corruption when she was convicted of
18 crimes violating Vehicle Code section 12500, subdivision (a) [driving while having a suspended
19 license]; and Penal Code section 602, subdivision (k) [trespassing: injury to property] on or about
20 December 15, 2009, and January 7, 2010. Complainant refers to, and by this reference
21 incorporates, the allegations contained in paragraph 10, above, subparagraph (a), inclusive.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct/Violate Act)**

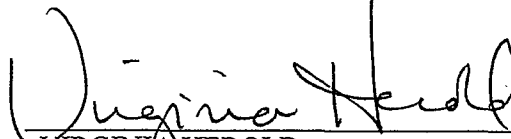
24 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
25 subdivision (o), on the grounds of unprofessional conduct, in that Respondent committed an act
26 and was convicted of a crime that violated the pharmacy act. Complainant refers to, and by this
27 reference incorporates, the allegations contained in paragraph 10, above, subparagraph (a),
28 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 issue a decision:

1. Revoking or suspending Pharmacy Technician Registration No. TCH 50143, issued to Mary Andreasyan;
2. Ordering Mary Andreasyan to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/22/12



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

LA2011501394