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

11 In the Matter of the Accusation Against:

Case No. 4067

12 **ERLANA MELISSETYAN**

13 **288 W. Spruce Avenue**
14 **Fresno, CA 93650**

15 **Pharmacy Technician**
16 **Registration No. TCH 64669**

A C C U S A T I O N

16 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 August 22, 2005, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 64669 to Erlana Melissetyan (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 December 31, 2012, unless renewed.

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JURISDICTION

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

5 4. Section 4300 of the Code states, in pertinent part:

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

7 (b) The board shall discipline the holder of any license issued by the board, whose
8 default has been entered or whose case has been heard by the board and found guilty,
9 by any of the following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

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

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

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

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

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29 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
30 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
31 within which the license may be renewed, restored, reissued or reinstated.

1 **COST RECOVERY**

2 7. Section 125.3 of the Code states, 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 **BACKGROUND FACTS**

7 8. On or about April 13, 2008, Respondent submitted a credit application to Fresno
8 Lexus, located in Fresno, California, to purchase a Lexus ES350. Respondent stated on the
9 application that she was the manager of the Ararat Café at 545 W. Fedora Avenue in Fresno.
10 Respondent's credit application was approved and she received financing for the vehicle in the
11 amount of \$55,255.07.

12 9. On or about June 12, 2008, Respondent submitted a credit application to Michael's
13 Toyota in Fresno, California, to purchase a Toyota Tundra. Respondent stated on the application
14 that she was the manager of the Ararat Café at W. 545 W. Fedora Avenue in Fresno. Respondent
15 also submitted pay check stubs which showed that she worked at the Ararat Café Int Market
16 located at 545 W. Fedora Avenue in Fresno, making just under \$10,000 every two weeks.
17 Respondent's credit application was approved and she received financing for the vehicle in the
18 amount of \$48,871.35.

19 10. On or about June 30, 2008, Respondent submitted a credit application to Michael's
20 Toyota in Fresno, California, to purchase a Toyota Sequoia. Respondent stated on the application
21 that she was the manager of the Ararat Café at W. 545 W. Fedora Avenue in Fresno. Respondent
22 also submitted pay check stubs which showed that she worked at the Ararat Café Int Market
23 located at 545 W. Fedora Avenue in Fresno, making just under \$10,000 every two weeks.
24 Respondent's credit application was approved and she received financing for the Toyota Sequoia
25 in the amount of \$51,915.18.

26 11. An investigation by the Department of Motor Vehicles (DMV) revealed that the
27 Ararat café is not listed in the City or County of Fresno records, and that the business does not
28 exist at 545 W. Fedora Avenue in Fresno. The investigation revealed that 545 W. Fedora Avenue

1 in Fresno was a residence owned by a relative of Respondent. The residence was occupied by an
2 elderly couple and there was no business being operated at that address.

3 12. On or about November 5, 2008, the DMV arrested Respondent on a warrant for three
4 felony violations of Penal Code section 487(a) (grand theft). Respondent's case (Superior Court
5 of California, Fresno County Case No. F08906948) remains pending at this time.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

8 13. Paragraphs 8 through 12 are incorporated by reference.

9 14. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
10 that she committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as set
11 forth more fully in paragraphs 8 through 12, above.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Knowingly Making or Signing a that Falsely**
14 **Represents the Existence of State of Facts)**

15 15. Paragraphs 8 through 14 are incorporated by reference.

16 16. Respondent is subject to disciplinary action under section 4301, subdivision (g), in
17 that she knowingly made or signed a certificate or document that falsely represents the existence
18 or nonexistence of a state of facts, as set forth more fully in paragraphs 8 through 12, above.

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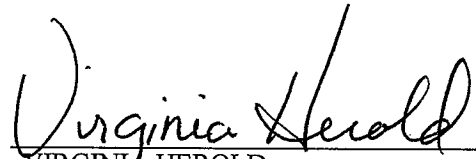
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PRAYER

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 64669, issued to Erlana Melissetyan.;
2. Ordering Erlana Melissetyan 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: 9/23/11



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

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