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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. 4301

12 **POULET DERZAKHARIAN**
13 634 E. Angeleno #B
Burbank, CA 91501

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 41640

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 December 27, 2002, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 41640 to Poulet Derzakharian (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 December 31, 2014, 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.

1 operated by any agency established under Division 2 (commencing with Section 500) of this
2 code, or any initiative act referred to in that division."

3 7. Section 4060 states, in pertinent part:

4 "No person shall possess any controlled substance, except that furnished to a person upon
5 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
6 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
7 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
8 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
9 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the
10 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
11 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
12 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
13 with the name and address of the supplier or producer. "

14 8. Section 4300 provides, in pertinent part, that every license issued by the Board is
15 subject to discipline, including suspension or revocation.

16 9. Section 4301 states, in pertinent part:

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

20

21 "(j) The violation of any of the statutes of this state, or any other state, or of the United
22 States regulating controlled substances and dangerous drugs.

23

24 "(l) The conviction of a crime substantially related to the qualifications, functions, and
25 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
26 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
27 substances or of a violation of the statutes of this state regulating controlled substances or
28 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the

1 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified
2 in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d)
3 or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in
4 Schedule III, IV, or V, except when administered by or under the direction of a person licensed
5 by the state to dispense, prescribe, or administer controlled substances.”

6 **COST RECOVERY**

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

11 **CONTROLLED SUBSTANCE**

12 a. “Oxycodone,” is a Schedule II controlled substance as designated by Health and
13 Safety Code section 11055, subdivision (b)(1) and is categorized as a dangerous drug pursuant to
14 section 4022.

15 b. “Vicodin”, is a schedule III controlled substance as designated in Health and Safety
16 Code section 11056, subdivision (e)(4) and is categorized as a dangerous drug pursuant to
17 sections 4022.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of a Substantially Related Crime)**

20 12. Respondent is subject to disciplinary action under sections 490, 4301, subdivision (l),
21 in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was
22 convicted of a crime substantially related to the qualifications, functions, or duties of a licensee
23 which to a substantial degree evidence the present or potential unfitness of a licensee to perform
24 the functions authorized by her license or registration in a manner consistent with the public
25 health, safety, or welfare. The circumstances are as follows:

26 a. On or about October 21, 2011, while patrolling an area known for a high level of
27 narcotic activity by the Los Angeles Police Department, Respondent was contacted. The officer
28 approached a parked vehicle and used a flashlight to illuminate the passenger side of the vehicle

1 where he observed a plastic baggie containing yellow pills tucked under Respondent's left thigh.
2 The plastic baggie that was recovered contained 5 oval pills scored with "V-3610" resembling
3 Vicodin and 13 blue round pills scored with "A-215" resembling Oxycodone. Respondent stated
4 that D.H., the driver of the car, knew a friend that would be able to get Vicodin. She also stated
5 that she was going to give D.H. \$40 for some Vicodin pills. Respondent was subsequently
6 arrested for violating Health and Safety Code section 11350, subdivision (a) [possession of a
7 controlled substance]. Subsequently on or about October 25, 2011 a criminal case was filed
8 against Respondent, charging her with one felony count of violating Health and Safety Code
9 section 11350, subdivision (a) [possession of a controlled substance] in the criminal proceeding
10 entitled *The People of the State of California v. Poulet Derzakharian* (Super. Ct. Los Angeles
11 County, 2011, No. LA069226). On or about October 28, 2011, after pleading guilty, the Court
12 placed Respondent on deferred entry of judgment for a period of 3 years.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Possession of a Controlled Substance)**

15 13. Respondent is subject to disciplinary action under section 4301, subdivision (j), for
16 violating section 4060, on the grounds of unprofessional conduct, in that Respondent was found
17 to be in possession of a controlled substance, as more fully described in paragraph 12, above.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board issue a decision:

- 21 1. Revoking or suspending Pharmacy Technician Registration No. TCH 41640, issued
22 to Poulet Derzakharian;
- 23 2. Ordering Poulet Derzakharian to pay the Board the reasonable costs of the
24 investigation and enforcement of this case, pursuant to section 125.3; and
- 25 3. Taking such other and further action as deemed necessary and proper.

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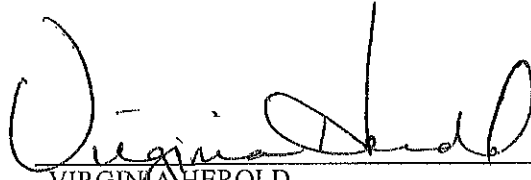
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DATED:

3/1/13



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

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