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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. 4498

12 **CHANTEL NICOLE BOGHOSSIAN**
13 **8320 N. Classics**
Fresno, CA 92730

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **94917**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about November 16, 2009, the Board of Pharmacy issued Pharmacy
22 Technician Registration Number TCH 94917 to Chantel Nicole Boghossian (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and expired on August 31, 2013.

25 **JURISDICTION**

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

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

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

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

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

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

9 "(4) Revoking his or her license.

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

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

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

16

17 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
18 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
19 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
20 to the extent that the use impairs the ability of the person to conduct with safety to the public the
21 practice authorized by the license."

22

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

25 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
26 revoke a license on the ground that the licensee has been convicted of a crime substantially related
27 to the qualifications, functions, or duties of the business or profession for which the license was
28 issued.

1 7. California Code of Regulations, title 16, section 1770, states:

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

8 8. Section 4300.1 of the Code states:

9 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
10 operation of law or by order or decision of the board or a court of law, the placement of a license
11 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
12 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
13 proceeding against, the licensee or to render a decision suspending or revoking the license."

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

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

22 FIRST CAUSE FOR DISCIPLINE
23 (CONVICTION OF A SUBSTANTIALLY RELATED CRIME)

24 11. Respondent is subject to disciplinary action under section 4301, subsection
25 (l), and 490, subsection (a), in that on or about September 10, 2012, she was convicted of a crime
26 substantially related to the qualifications, functions, or duties of the professions for which she was
27 licensed. In a criminal proceeding entitled People v. Chantel Nicole Boghossian, Fresno County
28 Superior Court, Case Number M12921280 Respondent was convicted by plea of nolo contendere

1 of violating Vehicle Code section 23152, subsection (b) (driving while under the influence of
2 alcohol), a misdemeanor. The circumstances are that on or about June 16, 2012, Respondent was
3 arrested while driving with a blood alcohol content of .23%.

4 SECOND CAUSE FOR DISCIPLINE
5 (CONSUMING ALCOHOL IN A DANGEROUS FASHION)

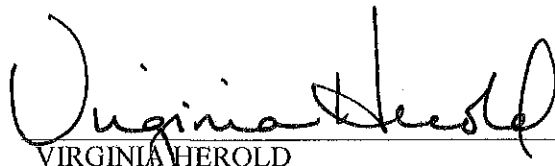
6 12. Respondent is subject to disciplinary action under section 4301, subsection
7 (h) in that on or about June 16, 2012, Respondent consumed an alcoholic beverage in a fashion
8 that was dangerous to herself and the public as described in paragraph 10, above.

9 PRAYER

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 94917,
13 issued to Chantel Nicole Boghossian;
- 14 2. Ordering Chantel Nicole Boghossian to pay the Board of Pharmacy the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
16 section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.
- 18
- 19

20 DATED: 2/19/14


21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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