1	KAMALA D. HARRIS
2	Attorney General of California ARMANDO ZAMBRANO Synamicing Deputs Attorney Congrel
3	Supervising Deputy Attorney General ELYSE M. DAVIDSON
4	Deputy Attorney General State Bar No. 285842
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013
6	Telephone: (213) 897-2533 Facsimile: (213) 897-2804
7	Attorneys for Complainant
8 9 10	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	In the Matter of the Accusation Against:
	GOR ATABEKYAN Case No. 4639
12	14010 Vanowen St., #208
13	Van Nuys, CA 92405
14 15	Pharmacy Technician Registration No. TCH 67789
16	Respondent.
17	Complainant alleges:
18	<u>PARTIES</u>
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 August 9, 2006, the Board of Pharmacy issued Pharmacy Technician
22	Registration Number TCH 67789 to Gor Atabekyan (Respondent). The Pharmacy Technician
23	Registration was in full force and effect at all times relevant to the charges brought herein and
24	will expire on May 31, 2016, unless renewed.
25	<u>JURISDICTION</u>
26	3. This Accusation is brought before the Board under the authority of the following
27	laws. All section references are to the Business and Professions Code unless otherwise indicated.
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STATUTORY PROVISIONS

- 4. Section 4060 provides in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or other authorized prescriber.
- 5. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.
 - 6. Section 4300.1 states:

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

7. Section 4301 states:

"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.

. . . .

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

. . . .

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

COST RECOVERY

8. Section 125.3 states, in pertinent part, 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.

CONTROLLED SUBSTANCE

"Marijuana" is a schedule I controlled substance and is designated by Health and Safety Code section 11054, subdivision (d)(13).

FIRST CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

- 9. Respondent is subject to disciplinary action under section 4301, subdivision (f) on the grounds of unprofessional conduct in that Respondent committed acts involving dishonesty, fraud or deceit, as follows:
- a. On or about April 21, 2012, during a traffic stop, by the Glendale Police Department, Respondent was contacted while seated in the vehicle's front passenger seat. While speaking to Respondent, the officer detected a strong odor of marijuana coming from inside the vehicle. Respondent admitted that he was smoking marijuana inside the vehicle at an engagement party, prior to being pulled over. During a pat down search, the officer recovered \$349.00 from Respondent's front right pants pocket. The officer observed Respondent's hands and upper torso were shaking and he appeared to be nervous. During a consented search of Respondent's vehicle, the officer recovered \$1,980.00 in cash, a computer disk, five cell phones, a check book, a green bottle that contained a green leafy substance resembling marijuana, seven credit cards with fraudulent embossed lettering found inside Respondent's wallet, ten credit cards with the driver's name embossed, one large envelope containing numerous sheets of paper with hand written identifying information for numerous names including, birthdates, and social security numbers, photo copied driver's licenses and social security cards for two people, seven additional credit

cards in numerous names, one smaller envelope containing folded sheets of paper with additional names, birthdates, and social security numbers, and a laptop computer and memory card.

Respondent admitted that the items found inside the vehicle belonged to him, including the marijuana found in the front passenger area.

THIRD CAUSE FOR DISCIPLINE

(Use/Under the Influence of Alcohol and/or a Controlled Substance)

10. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that on or about April 21, 2012, Respondent, by his own admission, admitted that he used marijuana and drank alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraph (a), as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Obtained or Possessed a Controlled Substance)

11. Respondent is subject to disciplinary action under section 4301, subdivision (j), as defined in section 4060, in that on or about April 21, 2012, Respondent obtained or possessed a controlled substance – Marijuana. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraph (a), as though set forth fully.

DISCIPLINARY CONSIDERATIONS

- 12. In order to determine the degree of discipline, if any to be imposed on Respondent, Complainant alleges the following:
- a. On or about February 10, 2010, Respondent was issued a letter of Admonishment by the Board for his prior criminal history.
- b. On or about September 27, 2006, Respondent was convicted of one misdemeanor count of violating Penal Code section 12020, subdivision (a)(1) [possessing dangerous weapons] in the criminal proceeding entitled *The People of the State of California v. Gor Atabekyan* (Super. Ct. Los Angeles County, 2006, No. 6PY05554). The Court sentenced Respondent to serve 20 days in Los Angeles County Jail and placed him on 36 months probation, with terms and conditions. The circumstances surrounding the conviction are that on or about September 1, 2006, Respondent was found to be possessing dangerous weapons. On or about March 12, 2010,

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1	the court set aside and dismissed the conviction pursuant to 1203.4.
2	c. On or about June 16, 2006, Respondent was convicted of one misdemeanor count of
3	violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or
4	drugs] in the criminal proceeding entitled The People of the State of California v. Gor Atabekyan
5	(Super, Ct. Los Angeles County, 2006, No. 6VY01952). The Court placed Respondent on 36
6	months probation, with terms and conditions. The circumstances surrounding the conviction are
7	that on or about April 8, 2006, Respondent drove a vehicle while under the influence of alcohol or
8	drugs. Respondent admitted to being in possession of and smoking marijuana.
9	PRAYER
0	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
1	and that following the hearing, the Board of Pharmacy issue a decision:
2	1. Revoking or suspending Pharmacy Technician Registration No. TCH 67789, issued to
3	Gor Atabekyan;
4	2. Ordering Gor Atabekyan to pay the Board of Pharmacy the reasonable costs of the
5	investigation and enforcement of this case, pursuant to Business and Professions Code section
6	125.3; and
7	3. Taking such other and further action as deemed necessary and proper.
.8	DATED: 8/12/14 Juginia Herold
9	VIRGINIA REPOLD Executive Officer
20	Board of Pharmacy Department of Consumer Affairs
1	State of California Complainant
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