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

11 In the Matter of the Accusation Against:

Case No. 4639

12 **GOR ATABEKYAN**
14010 Vanowen St., #208
13 Van Nuys, CA 92405

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 67789

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 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 **JURISDICTION**

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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1 STATUTORY PROVISIONS

2 4. Section 4060 provides in pertinent part, that no person shall possess any controlled
3 substance, except that furnished to a person upon the prescription of a physician, dentist,
4 podiatrist, optometrist, veterinarian, or other authorized prescriber.

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

7 6. Section 4300.1 states:

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

13 7. Section 4301 states:

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

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

21

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

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1 cards in numerous names, one smaller envelope containing folded sheets of paper with additional
2 names, birthdates, and social security numbers, and a laptop computer and memory card.
3 Respondent admitted that the items found inside the vehicle belonged to him, including the
4 marijuana found in the front passenger area.

5 **THIRD CAUSE FOR DISCIPLINE**

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

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

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Obtained or Possessed a Controlled Substance)**

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

17 **DISCIPLINARY CONSIDERATIONS**

18 12. In order to determine the degree of discipline, if any to be imposed on Respondent,
19 Complainant alleges the following:

20 a. On or about February 10, 2010, Respondent was issued a letter of Admonishment by
21 the Board for his prior criminal history.

22 b. On or about September 27, 2006, Respondent was convicted of one misdemeanor
23 count of violating Penal Code section 12020, subdivision (a)(1) [possessing dangerous weapons]
24 in the criminal proceeding entitled *The People of the State of California v. Gor Atabekyan* (Super.
25 Ct. Los Angeles County, 2006, No. 6PY05554). The Court sentenced Respondent to serve 20
26 days in Los Angeles County Jail and placed him on 36 months probation, with terms and
27 conditions. The circumstances surrounding the conviction are that on or about September 1,
28 2006, Respondent was found to be possessing dangerous weapons. On or about March 12, 2010,

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.

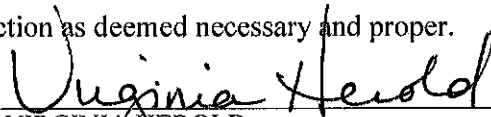
9 **PRAYER**

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 No. TCH 67789, issued to
13 Gor Atabekyan;
- 14 2. Ordering Gor Atabekyan to pay the Board of Pharmacy the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: _____

8/12/14


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

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