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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against, **FRED O. GREGORIAN** **19776 Ahwanee Lane** **Northridge, CA 91326** **Pharmacist License No. RPH 47542** Respondent.	Case No. 4877 ACCUSATION AND PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about August 12, 1994, the Board of Pharmacy issued Pharmacist License Number RPH 47542 to Fred O. Gregorian (Respondent). The Pharmacist License was in effect at all times relevant to the charges brought herein and will expire on November 30, 2015, unless renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against Fred O. Gregorian," Case No. AC 2669, the Board of Pharmacy, issued a decision, effective April 20, 2005, in which Respondent's Pharmacist License was revoked. However, the revocation was stayed and Respondent's Pharmacist License was placed on probation for a period of three years

with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION AND STATUTORY PROVISIONS FOR ACCUSATION

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

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

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

"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.

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

. . . . .

COST RECOVERY

7. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Dishonesty/False Representations)

8. Respondent is subject to disciplinary action under section 4301, subdivisions (f) and (g), in that Respondent engaged in acts of dishonesty and/or deceit when he made false representations to the Board. The circumstances are that between November, 2008 and October, 2009, Respondent submitted signed statements to the Pharmacists Recovery Program at Maximus Inc. representing that a participant under his supervision was working 30-32 hours per week. In fact, the participant was only working eight hours per week.

JURISDICTION FOR PETITION TO REVOKE PROBATION

9. This Petition to Revoke Probation is brought before the Board under Probation Term and Condition Number 15 of the Decision and Order In the Matter of Accusation Against Fred O. Gregorian, Case No. 2669. That term and condition states as follows:

"If respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

FIRST CAUSE TO REVOKE PROBATION

(Failure to File Quarterly Reports as Required)

10. At all times after the effective date of Respondent's probation, Condition No. 4 stated:

Reporting to the Board. Respondent shall report to the Board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the Board.

11. Respondent's probation is subject to revocation because he failed to comply with Probation Condition No. 4 by failing to provide reports on a quarterly basis. Respondent has only reported sporadically if at all.

SECOND CAUSE TO REVOKE PROBATION

(Employer Notification)

12. At all times after the effective date of Respondent's probation, Condition No. 8 stated:

Notice to Employers. Respondent shall notify all present and prospective employers of the decision in Board Case No. CI 2002 24086 and the terms, conditions and restrictions imposed on respondent by the decision. Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause their direct supervisor, pharmacist-in-charge and/or owner to report to the board in writing acknowledging the employer has read the decision in Board Case No. CI 2002 24086. [1]

If respondent works for or is employed by or through a pharmacy employment service, Respondent must notify his direct supervisor, pharmacist-in-charge, and/or owner at every pharmacy of the terms and conditions of the decision in Case No. CI 2002 24086 in advance of the respondent commencing work at each pharmacy. "Employment" within the meaning of this provision shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist, whether the Respondent is considered an employee or independent contractor.

[1] Condition No. 8 in the original stipulation incorrectly identified the Board's case number as CI 2002 24086. The correct case number is 2669.

13. Respondent's probation is subject to revocation in that he failed to comply with Probation Condition No. 8 in the following respects:

a. Respondent failed to notify his employer (Medical Arts Pharmacy) of his probationary status with the Board.

b. Respondent failed to have his employer (Medical Arts Pharmacy) complete an Employment Verification form within fifteen days of his undertaking employment at the pharmacy.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Pay Board Costs)

14. At all times after the effective date of Respondent's probation, Condition No. 9 stated:

Reimbursement of Board Costs. Respondent shall pay to the Board its costs of investigation and prosecution in the amount of $25,000. Respondent shall make quarterly payments. If payment of $25,000 is not made by the end of the three (3) year probation period, the probation term shall continue until such sum is paid in full.

The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board its costs of investigation and prosecution.

15. Respondent's probation is subject to revocation because he has failed to make quarterly payments as required. Respondent has only paid $450.00 to date.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Pay Probation Monitoring Costs)

16. At all times after the effective date of Respondent's probation, Condition No. 10 stated:

Probation Monitoring Costs. Respondent shall pay the costs associated with probation monitoring as determined by the Board each and every quarter of probation. Such costs shall be payable to the Board at the end of each quarter of probation. Failure to pay such costs shall be considered a violation of probation.

17. Respondent's probation is subject to revocation because he has failed to pay probation monitoring costs as required.

FIFTH CAUSE TO REVOKE PROBATION

(Notification of Employment)

18. At all times after the effective date of Respondent's probation, Condition No. 13 stated:

Notification of Employment/Mailing Address Change. Respondent shall notify the Board in writing within 10 days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule if known. Respondent shall notify the Board in writing within ten days of a change in name, mailing address or phone number.

19. Respondent's probation is subject to revocation because he failed to notify the Board of the termination of his employment with Medical Arts Pharmacy, which began in September, 2008 and ended in March, 2010.

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 the probation that was granted by the Board of Pharmacy in Case No. AC 2669 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 47542 issued to Fred O. Gregorian;

2. Revoking or suspending Pharmacist License No. RPH 47542, issued to Fred O. Gregorian;

3. Taking such other and further action as deemed necessary and proper.

DATED: 5/8/14

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

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Exhibit A

Decision and Order

Board of Pharmacy Case No. 2669