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

12 In the Matter of the Accusation Against:

Case No. 5338

13 **ANNETTE MICHELLE ISSAIAN**  
712 E. Harvard St.  
Glendale, CA 91205

**A C C U S A T I O N**

14 Pharmacy Technician Registration  
15 No. TCH 83002

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about April 22, 2008, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician Registration No. TCH 83002 to Annette Michelle Issaian (Respondent). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on July 31, 2015, unless renewed.

25 **JURISDICTION**

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

1 ///

2 **STATUTORY PROVISIONS**

3 4. Section 490 states, in pertinent part:

4 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
5 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
6 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
7 or profession for which the license was issued."

8 "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
9 discipline a licensee for conviction of a crime that is independent of the authority granted under  
10 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of  
11 the business or profession for which the licensee's license was issued."

12 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
13 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
14 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
15 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
16 made suspending the imposition of sentence, irrespective of a subsequent order under the  
17 provisions of Section 1203.4 of the Penal Code."

18 5. Section 492 states, in pertinent part:

19 "Notwithstanding any other provision of law, successful completion of any diversion  
20 program under the Penal Code, or successful completion of an alcohol and drug problem  
21 assessment program under Article 5 (commencing with Section 23249.50) of Chapter  
22 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
23 (commencing with Section 500) of this code, or any initiative act referred to in that division, from  
24 taking disciplinary action against a licensee or from denying a license for professional misconduct,  
25 notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an  
26 arrest."

27 6. Section 493 states:  
28

1           “Notwithstanding any other provision of law, in a proceeding conducted by a board within  
2 the department pursuant to law to deny an application for a license or to suspend or revoke a  
3 license or otherwise take disciplinary action against a person who holds a license, upon the ground  
4 that the applicant or the licensee has been convicted of a crime substantially related to the  
5 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
6 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
7 and the board may inquire into the circumstances surrounding the commission of the crime in order  
8 to fix the degree of discipline or to determine if the conviction is substantially related to the  
9 qualifications, functions, and duties of the licensee in question. As used in this section, "license"  
10 includes "certificate," "permit," "authority," and "registration."

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

13           9. Section 4300.1 states:

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

19           10. Section 4301 states, in pertinent part:

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

23           ....

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

27           ....

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

6 . . . .

7 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
8 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
9 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
10 substances or of a violation of the statutes of this state regulating controlled substances or  
11 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
12 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
13 The board may inquire into the circumstances surrounding the commission of the crime, in order to  
14 fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
15 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
16 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
17 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
18 of this provision. The board may take action when the time for appeal has elapsed, or the  
19 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
20 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
21 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
22 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
23 indictment."

24 **REGULATORY PROVISIONS**

25 11. California Code of Regulations, title 16, section 1770 states, in pertinent part:  
26 "For the purpose of denial, suspension, or revocation of a personal or facility license  
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
2 licensee or registrant to perform the functions authorized by his license or registration in a manner  
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

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

9 **CONTROLLED SUBSTANCE**

10 13. "Heroin," is a Schedule I controlled substance as designated by Health and Safety  
11 Code section 11054, subdivision (c)(11) and is categorized as a dangerous drug pursuant to  
12 section 4022.

13 **FIRST CAUSE FOR DISCIPLINE**

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

15 14. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
16 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
17 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
18 duties of a pharmacy technician, as follows:

19 a. On or about March 9, 2015, Respondent was convicted of one misdemeanor count of  
20 violating Health and Safety Code section 11364.1, subdivision (a)(1) [possession of controlled  
21 substance paraphernalia] in the criminal proceeding entitled *The People of the State of California*  
22 *v. Annette Michelle Issaian* (Super. Ct. L.A. County, 2015, No. 4GN02632). The Court placed  
23 Respondent on 1 year probation, with terms and conditions. The circumstances surrounding the  
24 conviction are that on or about August 29, 2014, an officer observed Respondent to be smoking in  
25 a parking lot. Respondent admitted that she had a "rig" in her purse, which is slang for narcotic  
26 paraphernalia. During a search of Respondent's purse, the officer located a bag containing several  
27 syringes, a burnt spoon, an elastic band, and numerous empty balloons. In addition, Respondent  
28 admitted to using Heroin.

1 b. On or about September 17, 2014, Respondent was convicted of one misdemeanor  
2 count of violating Penal Code section 459 [burglary] in the criminal proceeding entitled *The*  
3 *People of the State of California v. Annette Michelle Issaian* (Super. Ct. L.A. County, 2014, No.  
4 4GN02643). The Court sentenced Respondent to serve 3 days in Los Angeles County Jail and  
5 placed her on 3 years probation, with terms and conditions. The circumstances surrounding the  
6 conviction are that on or about September 15, 2014, Respondent entered the dwelling of another  
7 with the intent to commit grand or petit larceny or any felony.

8 c. On or about May 8, 2014, Respondent plead guilty to one felony count of violating  
9 Health and Safety Code section 664-11350, subdivision (a) [attempted possession of a narcotic  
10 controlled substance-Heroin] in the criminal proceeding entitled *The People of the State of*  
11 *California v. Annette Michelle Issaian* (Super. Ct. L.A. County, 2014, No. BA424099). As a  
12 result of the plea, Respondent was placed in a deferred entry of Judgment program for 18 months,  
13 pursuant to Penal Code section 1000.2. On or about January 16, 2015, the case was called for  
14 deferred entry of Judgment progress report. The Court ordered count one reduced to a  
15 misdemeanor, pursuant to proposition 47, sentenced Respondent to serve 6 days in jail, and placed  
16 him on 6 months probation, with terms and conditions. The circumstances surrounding the  
17 charges are that on or about April 26, 2014, officers of the Los Angeles Police Department were  
18 monitoring a cell phone belonging to a suspected drug dealer. At 1010 hours, officers received a  
19 call from Respondent trying to buy Heroin. At 1115 hours, Respondent arrived at the designated  
20 location and handed the officers \$20 in exchange for two bindles of fictitious Heroin.

## **SECOND CAUSE FOR DISCIPLINE**

### **(Acts Involving Dishonesty, Fraud, or Deceit)**

23 15. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that  
24 on or about September 15, 2014, Respondent committed acts involving dishonesty, fraud, or  
25 deceit. Complainant refers to, and by this reference incorporates, the allegations set forth above in  
26 paragraph 14, subparagraph (b), as though set forth fully.

## **THIRD CAUSE FOR DISCIPLINE**

### **(Use/Under the Influence of a Controlled Substance)**

1 16. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that  
2 on or about August 29, 2014, Respondent used and/or was under the influence of Heroin,

3 ///  
4 a controlled substance. Complainant refers to, and by this reference incorporates, the allegations  
5 set forth above in paragraph 14, subparagraph (a), as though set forth fully.

6 **PRAYER**

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

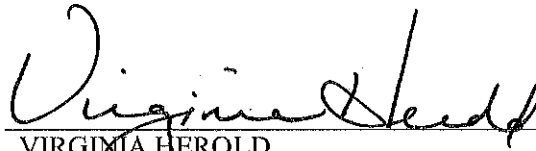
9 1. Revoking or suspending Pharmacy Technician Registration No. TCH 83002, issued to  
10 Annette Michelle Issaian;

11 2. Ordering Annette Michelle Issaian to pay the Board of Pharmacy the reasonable costs  
12 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
13 section 125.3; and

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

15  
16  
17 DATED: \_\_\_\_\_

7/6/15



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