1 2	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER
3	Senior Assistant Attorney General THOMAS L. RINALDI
4	Supervising Deputy Attorney General State Bar No. 206911
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013
6	Telephone: (213) 897-2541 Facsimile: (213) 897-2804
7	Attorneys for Complainant
8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALLEODNIA
10	STATE OF CALIFORNIA
,11	In the Matter of the Accusation Against: Case No. 5567
12	RUZANNA NIKOGOSYAN A C C U S A T I O N
13	15430 Archwood Street Van Nuys, CA 91406
14	Pharmacy Technician Registration No. TCH 81186
15	Respondent.
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18	Complainant alleges:
19	PARTIES
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
21	the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
22	2. On or about January 23, 2008, the Board issued Pharmacy Technician Registration
23	No. TCH 81186 to Ruzanna Nikogosyan (Respondent). The Pharmacy Technician Registration
24	was in full force and effect at all times relevant to the charges brought herein and will expire on
25	December 31, 2015, unless renewed.
26	JURISDICTION
27	3. This Accusation is brought before the Board under the authority of the following laws.
28	All section references are to the Business and Professions Code unless otherwise indicated.
1	(RUZANNA NIKOGOSYAN) ACCUSATION

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4. Section 4300 provides in pertinent part, that every license issued by the Boards is 1 2 subject to discipline, including suspension or revocation. 5. Section 4300.1 states: 3 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation 4 of law or by order or decision of the board or a court of law, the placement of a license on a 5 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of 6 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding 7 against, the licensee or to render a decision suspending or revoking the license." 8 STATUTORY PROVISIONS 9 6. Section 4301 states, in pertinent part: 10 "The board shall take action against any holder of a license who is guilty of unprofessional 11 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. 12 Unprofessional conduct shall include, but is not limited to, any of the following: 13 14 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or 15 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and 16 whether the act is a felony or misdemeanor or not. 17 18 "(l) – The conviction of a crime substantially related to the qualifications, functions, and 19 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 20 (commencing with Section 801) of Title 21 of the United States Code regulating controlled 21 substances or of a violation of the statutes of this state regulating controlled substances or 22 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 23 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 24 The board may inquire into the circumstances surrounding the commission of the crime, in order to 25 26 fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the 27 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 28 2 (RUZANNA NIKOGOSYAN) ACCUSATION

a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning 1 of this provision. The board may take action when the time for appeal has elapsed, or the 2 judgment of conviction has been affirmed on appeal or when an order granting probation is made 3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of 4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not 5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or 6 indictment." 7 **REGULATORY PROVISIONS** 8 7. California Code of Regulations, title 16, section 1770, states: 9 "For the purpose of denial, suspension, or revocation of a personal or facility license 10 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 11 crime or act shall be considered substantially related to the qualifications, functions or duties of a 12 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 13 licensee or registrant to perform the functions authorized by his license or registration in a manner 14 consistent with the public health, safety, or welfare." 15 FIRST CAUSE FOR DISCIPLINE 16 (Conviction of a Substantially Related Crime) 17 8. Respondent is subject to disciplinary action under section 4301, subdivision (l), in 18 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was 19 convicted of a crime substantially related to the qualifications, functions or duties of a pharmacy 20 technician as follows: 21 On or about February 10, 2015, after pleading nolo contendere, Respondent was a. 22 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand 23 theft by embezzlement] in the criminal proceeding entitled The People of the State of California v. 24 Ruzanna Nikogosyan (Super. Ct. L.A. County, 2015, No. LA078417). The Court ordered 25 26 Respondent to pay restitution and placed her on 36 months probation, with terms and conditions. b. The circumstances surrounding the conviction are that on or about June 2, 2014, 27 Respondent was served with a search and arrest warrant based on a theft reported by her former 28 3

(RUZANNA NIKOGOSYAN) ACCUSATION

1	employer, Toluca Pharmacy. The owner of Toluca Pharmacy filed a report after observing
2	Respondent on store video, filling prescriptions and taking them in her vehicle on a regular basis.
3	The estimated loss to her employer as a result of her thefts was \$18,000.00.
4	SECOND CAUSE FOR DISCIPLINE
5	(Acts Involving Dishonesty, Fraud, Deceit, or Corruption)
6	9. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that
7	Respondent committed acts involving dishonesty, fraud, deceit, or corruption with the intent to
8	substantially benefit herself, or substantially injure another. Complainant refers to, and by
9	reference incorporates, the allegations set forth above in paragraph 8, as though set forth fully.
10	<u>PRAYER</u>
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12	and that following the hearing, the Board issue a decision:
13	1. Revoking or suspending Pharmacy Technician Registration No. TCH 81186, issued to
14	Ruzanna Nikogosyan;
15	2. Ordering Ruzanna Nikogosyan to pay the Board the reasonable costs of the
16	investigation and enforcement of this case, pursuant to section 125.3; and
17	3. Taking such other and further action as deemed necessary and proper.
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19 20	DATED: 11/27/15 Diginie Ledd
21	VIRGINIA HEROLD Executive Officer Board of Pharmacy
22	Department of Consumer Affairs State of California
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