

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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. 5635

13 **ANUSH ANA AVETISYAN**  
7448 Farmdale Avenue  
North Hollywood, CA 91605

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH 106798

15 Respondent.

16  
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 (Board), Department of Consumer Affairs.

21 2. On or about October 28, 2010, the Board issued Pharmacy Technician Registration  
22 No. TCH 106798 to Anush Ana Avetisyan (Respondent). The Pharmacy Technician Registration  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 December 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.

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1 4. Section 4300 provides in pertinent part, that every license issued by the Boards is  
2 subject to discipline, including suspension or revocation.

3 5. Section 4300.1 states:

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

9 **STATUTORY PROVISIONS**

10 6. Section 4060 states, in pertinent part:

11 "No person shall possess any controlled substance, except that furnished to a person upon  
12 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
13 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
14 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
15 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
16 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
17 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply  
18 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
19 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
20 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
21 labeled with the name and address of the supplier or producer."

22 7. Section 4301 states, in pertinent part:

23 "The board shall take action against any holder of a license who is guilty of unprofessional  
24 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

25 Unprofessional conduct shall include, but is not limited to, any of the following:

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1 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
2 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
3 licensee or registrant to perform the functions authorized by his license or registration in a manner  
4 consistent with the public health, safety, or welfare."

5 **COST RECOVERY**

6 9. Section 125.3 provides, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licentiate found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
10 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
11 included in a stipulated settlement.

12 10. **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

13 a. "Acetaminophen," is a Schedule III controlled substance as defined in Health and  
14 Safety Code section 11056, subdivision (e)(4) and is categorized as a dangerous drugs pursuant to  
15 section 4022.

16 b. "Alprazolam," is a Schedule IV controlled substance pursuant to Health and Safety  
17 Code section 11057, subdivision (d)(1) and is categorized as a dangerous drug pursuant to section  
18 4022.

19 c. "Carisoprodol," is a Schedule IV controlled substance pursuant to Code of Federal  
20 Regulations, title 21, section 1308.14(c)(6), and is categorized as a dangerous drug according to  
21 section 4022.

22 d. "Diphenhydramine," and in a 50 mg dosage is categorized as a dangerous drug  
23 pursuant to section 4022.

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

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1 f. "Lorazepam," a benzodiazepine derivative, is a Schedule IV controlled substance as  
2 designated by Health and Safety Code section 11057, subdivision (d)(16), and is categorized as a  
3 dangerous drug pursuant to section 4022.

4 g. "Marijuana, hashish oil and tetrahydrocannabinols (concentrated marijuana)," are a  
5 Schedule I controlled substances under Health and Safety Code section 11054, subdivisions  
6 (d)(13) and (20) and Code of Federal Regulations, title 21, section 12 and are categorized as a  
7 dangerous drug pursuant to section 4022.

8 h. "Methamphetamine," is a Schedule II controlled substance as designated by Health  
9 and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug  
10 pursuant to section 4022.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Convictions of Substantially Related Crimes)**

13 11. Respondent is subject to disciplinary action under sections 4300, and 4301,  
14 subdivision (l), in conjunction with, California Code of Regulations, title 16, section 1770, in that  
15 the Respondent was convicted of crimes substantially related to the qualifications, functions, and  
16 duties of a pharmacy technician, as follows:

17 a. On or about March 17, 2015, Respondent was convicted of one misdemeanor count of  
18 violating Penal Code section 422, subdivision (a) [criminal threats with intent to terrorize] in the  
19 criminal proceeding entitled *The People of the State of California v. Anush Avetisyan* (Super. Ct.  
20 L.A. County, 2015, No. 5PY00911). The Court sentenced Respondent to serve 30 days in jail,  
21 ordered her to stay away from S.W. and G.W. and placed her on 36 months probation, with terms  
22 and conditions.

23 b. The circumstances surrounding the conviction are that on or about February 10, 2015,  
24 Los Angeles Police officers responded to a call of a family dispute at Respondent's residence.  
25 Respondent was involved in an argument with her sister over the cable bill. During the argument,  
26 Respondent forced her way into the victim's home and began throwing items around and kicking  
27 the wall. While arguing, Respondent stated, "I'm going to murder you! I'm going to slit your  
28 throat!" The victim was fearful that her sister would come back. Officers were able to locate

1 Respondent in the rear house and placed her under arrest for making credible threats to the  
2 victim's life.

3 c. On or about March 17, 2015, after pleading guilty, Respondent was convicted of one  
4 misdemeanor count of violating Vehicle Code section 14601.1, subdivision (a) [driving while  
5 driver's license is suspended or revoked] in the criminal proceeding entitled *The People of the*  
6 *State of California v. Anush Avetisyan* (Super. Ct. L.A. County, 2015, No. 5PY01086). The  
7 Court sentenced Respondent to serve 10 days in jail, ordered her to attend 26 narcotics  
8 anonymous meetings at the rate of 2 times per week, and placed her on 36 months probation, with  
9 terms and conditions.

10 d. The circumstances surrounding the conviction are that on or about January 30, 2015,  
11 Los Angeles Police officers conducted an enforcement stop and contacted Respondent. A records  
12 check revealed that Respondent's license was suspended. During a search of Respondent's  
13 vehicle, the officers recovered Respondent's purse. Inside, officers observed in plain view two  
14 orange prescription bottles with various pills, a clear glass jar with a black plastic top containing  
15 various pills, a small red Starbucks' envelope with a clear plastic baggie containing a white crystal  
16 substance that tested positive for methamphetamine, a brown tar substance in a silver foil wrap  
17 resembling heroin, a clear plastic jar containing a brown like tar that tested positive for hash oil,  
18 and a small blue plastic container containing a green leafy substance that tested positive for  
19 marijuana. Officers also found a small black spiral notebook binder containing ledgers with  
20 different locations of Starbucks with dollar amounts written on the side and a bundle of Starbucks  
21 gift cards in Respondent's purse. Officers also found a large black spiral notebook containing  
22 ledgers with additional Starbucks location with dollar amounts written on the side. During the  
23 booking procedure, Respondent stated that a friend introduced her to another friend who would  
24 provide Starbucks gift cards for her to purchase merchandise. In return whatever was left over on  
25 the card they would split the amount in cash. The pills recovered from Respondent's purse were  
26 later identified as Carisprodol, Aprazolam, Lorazepam, Acetaminophen, Diphenhydramine,  
27 Docusate Sodium, and L Aspirin-Low. At the time of the arrest, Respondent only had an active  
28 prescription for Aprazolam.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that  
4 on or about February 10, 2015, Respondent committed acts involving moral turpitude, dishonesty,  
5 fraud, deceit, or corruption with the intent to substantially benefit herself, or substantially injure  
6 another. Complainant refers to, and by reference incorporates, the allegations set forth above in  
7 paragraph 11, subparagraph (b), as though set forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Illegal Possession of a Controlled Substance and/or Dangerous Drugs)**

10 13. Respondent is subject to disciplinary action under section 4301, subdivision (j) for  
11 violating section 4060, on the grounds of unprofessional conduct, in that on or about January 30,  
12 2015, Respondent was found to be in illegal possession of controlled substances and/or dangerous  
13 drugs. Complainant refers to, and by reference incorporates, the allegations set forth above in  
14 paragraph 11, subparagraph (d), as though set forth fully.

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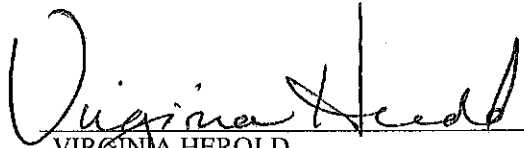
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**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 106798, issued to Anush Ana Avetisyan;
2. Ordering Anush Ana Avetisyan to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/21/15 

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

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