1 2 3 4 5 6 7 8 9	BOARD OF OPERATOR OF CONTROL OF C	RE THE PHARMACY CONSUMER AFFAIRS CALIFORNIA
11	In the Matter of the Accusation Against:	Case No. 5751
12	OLGA YEGIAZARYAN 7813 Via Genova	
13	Burbank, CA 91504	ACCUSATION
14	Pharmacist License No. RPH 55786	
15	Respondent.	
16	The state of the s	
17	Complainant alleges:	
18	<u>PARTIES</u>	
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 July 26, 2004, the Board of Pharmacy issued Pharmacist License	
22	Number RPH 55786 to Olga Yegiazaryan (Respondent). The Pharmacist License was in full	
23	force and effect at all times relevant to the charges brought in this Accusation and will expire on	
24	March 31, 2018, unless renewed.	
25	<u>JURISDICTION</u>	
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of	
27	Consumer Affairs, under the authority of the following laws. All section references are to the	
28	Business and Professions Code unless otherwise indicated.	
İ		

- 4. Section 4300 of the Code states, in relevant part:
- "(a) Every license issued may be suspended or revoked.
- "(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
  - "(1) Suspending judgment.
  - "(2) Placing him or her upon probation.
  - "(3) Suspending his or her right to practice for a period not exceeding one year.
  - "(4) Revoking his or her license.
- "(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper."
  - 5. Section 4300.1 of the Code states:

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

## STATUTES/REGULATIONS

6. Section 4301 of the Code states, in relevant 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.

///

26

27

28

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

7. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

## COST RECOVERY

8. Section 125.3 of the Code provides, in relevant 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. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## **BACKGROUND**

- 9. On or about March 17, 2014, an officer from the Burbank Police Department responded to a donut shop regarding a report of an assault. The responding officer spoke with a man (victim) who was wearing a ripped shirt and had minor cuts to his left nipple and left forearm. He told the officers that Respondent, his ex-girlfriend, approached him in front of the donut shop and began cutting his shirt with a box cutter. The victim was able to run into the donut shop and held the door shut preventing Respondent from entering. Respondent then approached the victim's car and appeared to make slice marks with the box cutter on one of the tires. Respondent left the area before police arrived. On about April 7, 2014, the Los Angeles County Superior Court issued an arrest warrant for Respondent.
- 10. On or about August 21, 2014, in a criminal proceeding entitled *The People of the State of California v. Olga Yegiazaryan*, in the Los Angeles County Superior Court (Burbank Courthouse), Case No. GA092841, Respondent, based on her plea of no contest, was convicted of injuring a spouse, cohabitant, fiancé, boyfriend, girlfriend or child's parent (Pen. Code, § 273.5, subd. (a)), a felony; and an enhancement charge of using a deadly and dangerous weapon, to wit, a box cutter (Pen. Code, § 12022, subd. (b)(1)). The court sentenced Respondent to three years of probation with various conditions, including attending a 52-week domestic violence counseling program and paying various fines and fees.

## FIRST CAUSE FOR DISCIPLINE (Unprofessional Conduct—Acts Involving Moral Turpitude) (Bus. & Prof. Code, § 4301, subd. (f))

11. Respondent has subjected her pharmacist license to disciplinary action under section 4301, subdivision (f), in that, on or about March 17, 2014, she engaged in acts involving moral turpitude. The circumstances are more fully explained in paragraph 9, above.

11.