


1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
Supervising Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Statement of Issues
11 Against:

Case No. 4139

12 **GAYK GEVORKYAN**
13 

STATEMENT OF ISSUES

14
15 **Applicant for Pharmacy Technician**
Registration

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about September 13, 2010, the Board of Pharmacy, Department of Consumer
23 Affairs (Board) received an application for Registration as a Pharmacy Technician from Gayk
24 Gevorkyan (Respondent). On or about September 8, 2010, Gayk Gevorkyan certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on April 29, 2011.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board, under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 **STATUTORY PROVISIONS**

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

10 5. Section 475 of the Code states:

11 "(a) Notwithstanding any other provisions of this code, the provisions of this division shall
12 govern the denial of licenses on the grounds of:

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14 (2) Conviction of a crime.

15 (3) Commission of any act involving dishonesty, fraud or deceit with the intent
16 to substantially benefit himself or another, or substantially injure another.

17 (4) Commission of any act which, if done by a licentiate of the business or
18 profession in question, would be grounds for suspension or revocation of license."

19 6. Section 480 states:

20 "(a) A board may deny a license regulated by this code on the grounds that the applicant
21 has one of the following:

22 (1) Been convicted of a crime. A conviction within the meaning of this section means a
23 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
24 board is permitted to take following the establishment of a conviction may be taken when the
25 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
26 an order granting probation is made suspending the imposition of sentence, irrespective of a
27 subsequent order under the provisions of Section 1203.4 of the Penal Code.

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1 (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
2 benefit himself or herself or another, or substantially injure another.

3 (3) (A) Done any act that if done by a licentiate of the business or profession in question,
4 would be grounds for suspension or revocation of license.”

5 **REGULATORY PROVISIONS**

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

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

13 **FIRST CAUSE FOR DENIAL OF APPLICATION**

14 **(Criminal Conviction)**

15 8. Respondent's application is subject to denial under sections 475 and 480, subdivision
16 (a)(1), in conjunction with California Code of Regulations, title 16, section 1770, in that
17 Respondent was convicted of a crime substantially related to the qualifications, functions or
18 duties of a pharmacy technician applicant, as follows:

19 a. On or about October 24, 2007, after pleading nolo contendere, Respondent was
20 convicted of one felony count of violating Penal Code section 550(a)(4) [insurance fraud], in the
21 criminal proceeding entitled *The People of the State of California vs. Gayk Gevorkyan* (Super. Ct.
22 Los Angeles County, 2007, No. BA29806803). The Court placed Respondent on probation for a
23 period of 3 years with certain terms and conditions. On July 30, 2009, probation was terminated
24 pursuant to Penal Code section 1203.3. Restitution of \$117,000.00 was paid. The circumstances
25 surrounding the conviction are that in 2005, the Los Angeles Police Department working in
26 conjunction with several State and Federal Law Enforcement Agencies, including the Federal
27 Bureau of Investigations (FBI), the Department of Homeland Security (ICE) and U.S.
28 Immigration and Customs Enforcement, began an investigation into a Glendale based company,

1 Global Human Service. Authorities uncovered evidence which suggested that numerous vehicles
2 were being shipped out to the United States via Global Human Services in compartments of
3 shipping containers under the guise of "humanitarian aid" bound for Armenia. The persons
4 operating Global Human Service (GHS) contracted with Maersk Sealand, a large steamship
5 company, to provide empty 40-foot long steel ocean containers to their business. The containers
6 were then loaded with their contents at the GHS Glendale location. Respondent was employed in
7 the family business, Global Human Service, from where the conspiracy was conducted with other
8 defendants. Respondent's fingerprints were located inside one of the stolen vehicles and on the
9 outside of another one of the stolen vehicles. The fingerprints of two other defendants were
10 located on some of the stolen vehicles. Respondent unlawfully conspired together with other
11 suspects to commit insurance fraud.

12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

13 **(Unprofessional Conduct)**

14 9. Respondent's application is subject to denial under section 480, subdivision (a)(3) on
15 the grounds of unprofessional conduct. The circumstances are that Respondent committed acts
16 which constitute unprofessional conduct when he conspired together with other suspects to
17 commit insurance fraud. Complainant refers to, and by this reference incorporates, the
18 allegations set forth above in paragraph 9, subparagraph (a), inclusive, as though fully set forth
19 herein.

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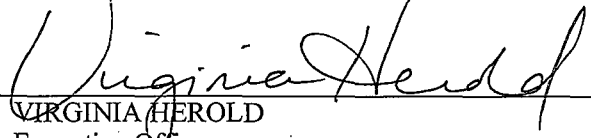
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PRAYER

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

1. Denying the application of Gayk Gevorkyan for a Pharmacy Technician Registration;
- and
2. Taking such other and further action as deemed necessary and proper.

DATED: 4/12/12



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

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