1	BILL LOCKYER, Attorney General	
2	of the State of California JOSEPH N. ZIMRING, State Bar No. 185916	
3	Deputy Attorney General California Department of Justice	
4	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
5	Telephone: (213) 897-2559 Facsimile: (213) 897-2804	
6	Attorneys for Complainant	
7	7.ttorneys for Complement	
8	BEFORE TI	ar .
1	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONS STATE OF CALII	
10	In the Matter of the Accusation Against:	Case No. 2690
11	ROLA HOLWAHJIAN	OAH No. L-2004020269
12	801 E. Amherst Burbank, CA 91504	STIPULATED SURRENDER OF
13	Pharmacy Technician Registration No. TCH	LICENSE AND ORDER
14	26386	
15	Respondent.	
16		
17	•	resolution of this matter, consistent with
18	the public interest and the responsibility of the Board	of Pharmacy of the California Department
19	of Consumer Affairs the parties hereby agree to the fo	llowing Stipulated Surrender of License
20	and Order which will be submitted to the Board for ap	proval and adoption as the final
21	disposition of the Accusation.	
22	<u>PARTIES</u>	
23	1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
24	Pharmacy. She brought this action solely in her offici	al capacity and is represented in this matter
25	by Bill Lockyer, Attorney General of the State of Cali	fornia, by Joseph N. Zimring, Deputy
26	Attorney General.	
27	2. Rola Holwahjian (Respondent)	is represented in this proceeding by
28	attorney James E. Blatt, whose address is 16000 Vent	ura Blvd., Suite 1208, Encino, CA 914363.
	STIPULATED SURRENDER OF 1	LICENSE AND ORDER
- 1		

4. On or about July 15, 1998, the Board issued Pharmacy Technician Registration No. TCH 26386 to Respondent. The registration is scheduled to expire on December 31, 2005, and has not been renewed.

<u>JURISDICTION</u>

5. The Accusation in Case No. 2690 was filed before the Board on January 12, 2004, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 21, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. The Accusation is incorporated by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in the Accusation, agrees that cause exists for discipline and hereby surrenders her pharmacy technician registration for the Board's formal acceptance.

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Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her pharmacy technician registration without further process.

CONTINGENCY

- understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 26386, issued to Respondent Rola Holwahjian is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

STIPULATED SURRENDER OF LICENSE AND ORDER

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Respondent shall lose all rights and privileges as a pharmacy technician in

ACCEPTANCE

2	I have carefully read the above Stipulated Surrender of License and Order and	
3	have fully discussed it with my attorney, James E. Blatt. I understand the stipulation and the	
4	effect it will have on my pharmacy technician registration. I enter into this Stipulated Surrender	
5	of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the	
6	Decision and Order of the Board of Pharmacy.	
7	DATED: 10-6-0 9 Rola Howahjian	
8	Respondent	
9		
10	I have read and fully discussed with Respondent Rola Holwahjian the terms and	
11	conditions and other matters contained in this Stipulated Surrender of License and Order. I	
12	approve its form and content.	
13	DATED: 10-6-64 JAMES BLATA	
14	Attorney for Respondent	
15		
16	<u>ENDORSEMENT</u>	
17	The foregoing Stipulated Surrender of License and Order is hereby respectfully	
18	submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.	
19		
20	DATED:	
21		
22	BILL LOCKYER, Attorney General of the State of California	
23		
24		
25	JOSEPH N. ZIMRING Deputy Attorney General	
26	Attorneys for Complainant	
27 28	DOJ Matter ID: LA2003600634 60062353.wpd	
	5.	
- {	STIPULATED SURRENDER OF LICENSE AND ORDER	

ACCEPTANCE

2	I have carefully read the above Stipulated Surrender of License and Order and	
3	have fully discussed it with my attorney, James E. Blatt. I understand the stipulation and the	
4	effect it will have on my pharmacy technician registration. I enter into this Stipulated Surrende	
5	of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the	
6	Decision and Order of the Board of Pharmacy.	
7	DATED:	
8	Rola Holwahjian	
9		
10	I have read and fully discussed with Respondent Rola Holwahjian the terms and	
11	conditions and other matters contained in this Stipulated Surrender of License and Order. I	
12	approve its form and content.	
13	DATED:	
14	JAMES BLATT Attorney for Respondent	
15		
16	<u>ENDORSEMENT</u>	
17	The foregoing Stipulated Surrender of License and Order is hereby respectfully	
18	submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.	
19		
20	DATED: 10 1 204.	
21		
22	BILL LOCKYER, Attorney General of the State of California	
23	or the State of Camorina	
24		
25	JOSEPH N. ZIMRING Deputy Attorney General	
26	Attorneys for Complainant	
27		
28	DOJ Matter ID: LA2003600634 60062353.wpd	
,		
	5.	

STIPULATED SURRENDER OF LICENSE AND ORDER

BEFORE THE **BOARD OF PHARMACY**

2	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
3		
4	In the Matter of the Accusation Against:	Case No. 2690
5	Rola Holwahjian	OAH No. L-2004020269
6	801 E Amherst Burbank, CA	
7	Pharmacy Technician Registration No. TCH	
8	26386	
9	Respondent	
10		-
11		
12	DECISION AN	D ORDER
13	The attached Stipulated Surrender of License and Order is hereby adopted by the Board	
14	of Pharmacy of the Department of Consumer Affa	rs, as its Decision in this matter.
15		
16	This decision shall become effective on <u>January 5, 2005</u> .	
17	It is so ORDERED on <u>December 6, 2004</u> .	
18		RD OF PHARMACY
19	il .	ARTMENT OF CONSUMER AFFAIRS TE OF CALIFORNIA
20	·	
21	D.,	A Sall
22	Ву	STANLEY W. GOLDENBERG
23		Board President
24		
25		
26		
27		6

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1		
.,1	BILL LOCKYER, Attorney General of the State of California	
2	JOSEPH N. ZIMRING, State Bar No. 185916	
3	Deputy Attorney General California Department of Justice	
4	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
5	Telephone: (213) 897-2559 Facsimile: (213) 897-2804	
6	Attorneys for Complainant	
7		
8	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against: Case No. 03 2690	
12	ROLA C. HOLWAHJIAN 801 E Amherst ACCUSATION	
13	Burbank, CA 91504	
14	Pharmacy Technician Registration No. TCH 26386	
15	Respondent.	
16		
17		
18	Complainant alleges:	
19	<u>PARTIES</u>	
20	Patricia F. Harris (Complainant) brings this Accusation solely in her	
21	official capacity as the Executive Officer of the Board of Pharmacy (Board), California	
22	Department of Consumer Affairs.	
23	2. On or about July 15, 1998, the Board issued Pharmacy Technician	
24	Registration Number TCH 26386 to Rola C. Holwahjian (Respondent). The registration	
25	was in full force and effect at all times relevant to the charges brought herein and will	
26	expire on December 31, 2003, unless renewed.	
27	111	
28	1/1	
	1. ACCUSATION	

<u>JURISDICTION</u>

- This Accusation is brought before Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- Section 4300 permits the Board to take disciplinary action to suspend or revoke a license or permit.
 - Section 4301 states:

"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:

"(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

- "(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.
- "(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

"(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

- "(p) Actions or conduct that would have warranted denial of a license."
- 6. Section 4059(a) states, in pertinent part, that a person may not furnish any dangerous drug without a valid prescription.
- 7. Section 4022 defines "Dangerous Drugs" as any drug that is unsafe for self-medication and which by federal or state law can be lawfully dispensed only on prescription.
- 8. Section 4060 states that no person shall possess any controlled substance without a legitimate prescription.
- 9. Section 4063 states that no prescription for a dangerous drug may be refilled except upon authorization of the prescriber. The authorization may be given orally or at the time of giving the original prescription. No prescription for any dangerous drug that is a controlled substance may be designated refillable as needed.
- 10. Section 4324(a) states every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of a forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.
- 11. Section 4329 states that any nonpharmacist who compounds or dispenses a prescription or furnishes dangerous drugs is guilty of a misdemeanor.
- 12. Health & Safety Code section 11170 states that no person shall prescribe, administer, or furnish a controlled substance for herself.
- 13. Health and Safety Code section 11171 states that no person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division.
- 14. Health & Safety Code section 11173(a) states that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

15. Section 125.3 states, in pertinent 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.

DANGEROUS DRUGS

- 16. Clarinex (generic Desloratadine) is classified as a dangerous drug under section 4022. It is used in the treatment of seasonal allergies.
- 17. Propecia (generic Finasteride) is classified as a dangerous drug under section 4022. It is used in the treatment of benign prostatic hyperplasia and male pattern baldness.

CONTROLLED SUBSTANCES

18. Phenergan with Codeine (generic - promethazine with Codeine) is a dangerous drug as defined by section 4022 and is classified as a Schedule V controlled substance as listed in Health and Safety Code Section 11058(c)(1). It is an antihistamine and narcotic combination used in the treatment of coughing.

FACTUAL BACKGROUND

19. During a period including August 3, 2002 to November 27, 2002, Respondent was employed as a pharmacy technician at Sav-on Drugs (store no. 9658) located in Burbank, California. As described below, in that time Respondent repeatedly dispensed dangerous drugs and controlled substances to herself and Viken Titizan, her fiancé, without a legitimate prescription and created fraudulent records related to those transactions.

Rola Holwahjian

20. On May 29, 2002, Respondent furnished seven tablets of Clarinex 5mg to herself without a legitimate prescription. Respondent created records stating that the medication was dispensed pursuant to prescription no. 237147 issued by Dr. Sider.

- 21. On September 11, 2002, Respondent furnished 180 mls of Phenergan with Codeine to herself without a legitimate prescription. Respondent created records stating that the medication was dispensed pursuant to prescription no. 249703 issued by Dr. Sider.
- 22. On November 18, 2002, Respondent furnished 180 mls of Phenergan with Codeine to herself without a legitimate prescription. Respondent created records stating that the prescription no. 249703 was reassigned prescription no. 258642 and that it was a refill authorized by Dr. Sider.
- 23. On November 27, 2002, Respondent furnished 180 mls of Phenergan with Codeine to herself without a legitimate prescription. Respondent created records stating that the medication was dispensed pursuant to prescription no. 258642 and that it was a refill authorized by Dr. Sider.

Viken Titizian

- 24. On August 3, 2002, Respondent furnished 30 tablets of Propecia to Viken Titizan without a legitimate prescription. Respondent created records stating that the medication was dispensed pursuant to prescription no. 245114 issued by Dr. Sider and that it could be refilled three times.
- 25. On September 11, 2002, September 27, 2002, October 18, 2002, November 9, 2002, and November 27, 2002, Respondent furnished 30 tablets of Propecia to Viken Titizan without a legitimate prescription. Respondent created records stating that the medication was dispensed as refills to prescription no. 245114.

FIRST CAUSE FOR DISCIPLINE

(Commission of Acts Involving Moral Turpitude, Fraud and Deceit)

26. Respondent has subjected her license to discipline pursuant to section 4301(f) by committing acts involving moral turpitude, dishonesty, fraud, deceit, or corruption through her illegal dispensation of dangerous drugs and controlled substances and the creation of fraudulent records related to those transactions as stated in paragraphs 19 - 25.

1	SECOND CAUSE FOR DISCIPLINE	
2	(Clearly Excessive Furnishing of a Controlled Substance)	
3	27. Respondent has subjected her license to discipline pursuant to	
4	section 4301(d) for clearly excessive furnishing of a controlled substance as stated in	
5	paragraphs 19 and 21 - 23.	
6	THIRD CAUSE FOR DISCIPLINE	
7	(Knowingly Making False Documents)	
8	28. Respondent has subjected her license to discipline pursuant to	
9	section 4301(g) by knowingly making or signing documents that falsely represented the	
10	existence of a state of facts as stated in paragraphs 19 - 25.	
11	FOURTH CAUSE FOR DISCIPLINE	
12	(Furnishing Dangerous Drugs and Controlled Substances)	
13	29. Respondent has subjected her license to discipline pursuant to	
14	section 4301(j) by violating sections 4059, 4060, 4063, 4324, 4329 and Health and	
15	Safety Code sections 11170, 11171 and 11173, statutes regulating controlled	
16	substances and dangerous drugs as stated in paragraphs 19 - 25.	
17	FIFTH CAUSE FOR DISCIPLINE	
18	(Violating the Pharmacy Law)	
19	30. Respondent has subjected her license to discipline pursuant to	
20	section 4301(o) by violating sections of the Pharmacy Law as stated in paragraphs	
21	19 - 29.	
22	SIXTH CAUSE FOR DISCIPLINE	
23	(Actions Warranting Denial of License)	
24	31. Respondent has subjected her license to discipline pursuant to	
25	section 4301(p) by committing acts which would warrant denial of a license as stated in	
26	paragraphs 19 - 30.	
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	6. ACCUSATION	
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1	<u>PRAYER</u>
2	WHEREFORE, Complainant requests that a hearing be held on the
3	matters herein alleged, and that following the hearing, the Board of Pharmacy issue a
4	decision:
5	Revoking or suspending Pharmacy Technician Registration No.
6	TCH 26386, issued to Respondent Rola C. Holwahjian;
7	2. Ordering Respondent to pay the Board of Pharmacy the
8	reasonable costs of the investigation and enforcement of this case, pursuant to
9	Business and Professions Code section 125.3;
0	3. Taking such other and further action as deemed necessary and
1	proper.
2	DATED: 12 04
3	.0) // -
4	PATRICIA E HARRIS
5	Executive Officer Board of Pharmacy
6	Department of Consumer Affairs State of California
7	Complainant
0	

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