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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3164

11
12 **RAQUEL MURADYAN AKA RAQUEL**
13 **MENDOZA-NAVARRO**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

14
15 Respondent.

16
17 FINDINGS OF FACT

18 1. On or about April 10, 2009, Complainant Virginia Herold, in her official capacity as
19 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
20 Accusation No. 3164 against Raquel Muradyan aka Raquel Mendoza-Navarro (Respondent)
21 before the Board of Pharmacy.

22 2. On or about November 26, 2003, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 53038 to 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 May 31, 2011, unless renewed.

26 3. On or about June 15, 2009, Maria L. Camacho, an employee of the Department of
27 Justice, served by Certified and First Class Mail a copy of the Accusation No. 3164, Statement to
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1 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
2 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

3 14535 Saticoy Street, #202

4 Van Nuys, CA 91405

5 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c).

8 5. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
10 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
11 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
12 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

13 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
14 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3164.

15 6. California Government Code section 11520 states, in pertinent part:

16 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
17 agency may take action based upon the respondent's express admissions or upon other evidence
18 and affidavits may be used as evidence without any notice to respondent.

19 7. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on the
21 evidence on file herein, finds that the allegations in Accusation No. 3164 are true.

22 8. The total cost for investigation and enforcement in connection with the Accusation
23 are \$2,649.00 as of July 14, 2009.

24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Raquel Muradyan aka Raquel
26 Mendoza-Navarro has subjected her Pharmacy Technician Registration No. TCH 53038 to
27 discipline.

28 2. A copy of the Accusation is attached.

1 3. The agency has jurisdiction to adjudicate this case by default.

2 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
3 Registration based upon the following violations alleged in the Accusation:

4 a. Respondent is subject to disciplinary action under sections 4301(l) and 4202(d) of the
5 Business and Professions Code (Code) in conjunction with section 1770 of title 16 of the
6 California Code of Regulations, in that on or about November 1, 2006, in the case entitled *The*
7 *People of the State of California v. Raquel Mendoza Navarro* (Superior Court of California,
8 County of Los Angeles, Case No. PA056096), Respondent was convicted of violating Health and
9 Safety Code section 11351 (possession of a controlled substance for purposes of sale.) As a result
10 of this conviction, Respondent was sentenced to serve 180 days in county jail, placed on three
11 years of probation and ordered to pay a fine.

12 The circumstances surrounding the conviction are that on or about June 22, 2006, armed
13 with a search warrant, Los Angeles Police Department officers were dispatched to an apartment
14 that Respondent shared with her husband. Upon their arrival at the residence, the officers were
15 met by and interviewed Respondent's husband. The officers observed various narcotics in plain
16 view and discovered more narcotics pursuant to a search of the residence.

17 While the officers were searching the residence, Respondent entered the front door of the
18 apartment. The officers presented Respondent with a copy of the search warrant. While
19 searching Respondent's purse, one of the officers recovered four Pharmacy pill stock bottles.
20 Two bottles were labeled "Hydrocodone 100 tablets" (generic for "Vicodin"). One bottle was
21 labeled "Alprazolam 100 tablets" (generic for "Xanax") and one bottle was labeled "Clonazepam
22 100 tablets" (generic for "Klonopin".) After being read her Miranda rights, Respondent admitted
23 to taking the above-listed narcotics from the CVS Pharmacy where she worked. She also stated
24 that she had driven home on her lunch break and was dropping the pills off to her husband, who
25 sold the pills for money. Respondent and her husband were placed under arrest.

26 b. Respondent is subject to disciplinary action under sections 4301, subdivision (j) and
27 4060 of the Code, in that Respondent unlawfully possessed controlled substances in violation of
28

1 state law. Complainant refers to, and by this reference incorporates the allegations set forth
2 above, inclusive, as though set forth fully.

3 c. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
4 Code, in that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit,
5 or corruption. Complainant refers to, and by this reference incorporates the allegations set forth
6 above, inclusive, as though set forth fully.

7 d. Respondent is subject to disciplinary action under section 4301 of the Code in that
8 Respondent engaged in unprofessional conduct. Complainant refers to, and by this reference
9 incorporates the allegations set forth above, inclusive, as though set forth fully.

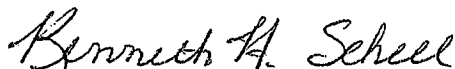
10 ORDER

11 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 53038, heretofore
12 issued to Respondent Raquel Muradyan aka Raquel Mendoza-Navarro, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
14 written motion requesting that the Decision be vacated and stating the grounds relied on within
15 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
16 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

17 This Decision shall become effective on December 7, 2009.

18 It is so ORDERED January 6, 2010.

19 

20 KENNETH H. SCHELL, BOARD PRESIDENT
21 FOR THE BOARD OF PHARMACY
22 DEPARTMENT OF CONSUMER AFFAIRS

22 DOJ docket number: LA2008600711

23 Attachment: Exhibit A: Accusation No.3164

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Exhibit A

Accusation No. 3164

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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Attorneys for Complainant

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8 **BEFORE THE
BOARD OF PHARMACY
STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 3164

10 RAQUEL MURADYAN AKA
11 RAQUEL MENDOZA-NAVARRO
13677 Pinney Street
12 Pacoima, CA 91331

ACCUSATION

13 Pharmacy Technician
14 Registration No. TCH 53038

Respondent.

15
16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia K. Herold (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy (Board).
20
21 2. On or about November 26, 2003, the Board issued Pharmacy Technician
22 Registration Number TCH 53038 to Raquel Muradyan aka Raquel Mendoza-Navarro
23 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times
24 relevant to the charges brought herein and will expire on May 31, 2009, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

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4. Section 4301 of the Code 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:

...

"(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.

...

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

...

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter."

5. Section 4202(d) of the Code states:

"The board may suspend or revoke a license issued pursuant to this section on any ground specified in Section 4301."

6. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified

1 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
2 labeled with the name and address of the supplier or producer.

3 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
4 a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs
5 and devices."

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

13 CONTROLLED SUBSTANCES

14 8. Health and Safety Code, section 11350(a) states:

15 "Except as otherwise provided in this division, every person who possesses (+)
16 any controlled substance . . . specified in subdivision (b) or (c) of Section 11055, or specified in
17 subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or
18 V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist,
19 or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
20 prison."

21 9. Health and Safety Code, section 11351 states:

22 "Except as otherwise provided in this division, every person who possesses for
23 sale or purchases for purposes of sale . . . specified in subdivision (b) or (c) of Section 11055, or
24 specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in
25 Schedule III, IV, or V which is a narcotic drug, shall be punished by imprisonment in the state
26 prison for two, three, or four years."

27 10. Health and Safety Code, section 11055 states:

28 "(a) The controlled substances listed in this section are included in Schedule II.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Dishonest Act)**

3 15. Respondent is subject to disciplinary action under section 4301,
4 subdivision (f) of the Code, in that Respondent committed an act involving moral turpitude,
5 dishonesty, fraud, deceit, or corruption. Complainant refers to, and by this reference incorporates
6 the allegations set forth above in paragraph 13, inclusive, as though set forth fully.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

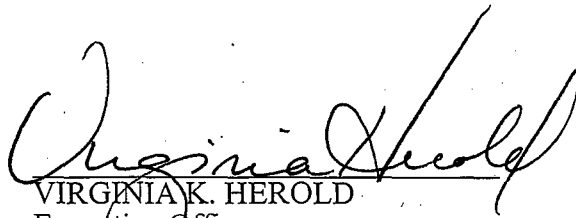
9 16. Respondent is subject to disciplinary action under section 4301 of the
10 Code in that Respondent engaged in unprofessional conduct. Complainant refers to, and by this
11 reference incorporates the allegations set forth above in paragraph 13, inclusive, as though set
12 forth fully.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH
17 53038, issued to Raquel Muradyan aka Raquel Mendoza-Navarro.
- 18 2. Ordering Raquel Muradyan aka Raquel Mendoza-Navarro to pay the
19 Board the reasonable costs of the investigation and enforcement of this case, pursuant to
20 Business and Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 4/10/09

23 
24 VIRGINIA K. HEROLD
25 Executive Officer
26 Board of Pharmacy
27 State of California
28 Complainant