

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

In the Matter of the Accusation Against:

Case No. 3728

EDGAR NAVASARDYAN

9141 Langdon Avenue
North Hills, CA 91343

Pharmacy Technician Registration No. TCH
60051

Respondent.

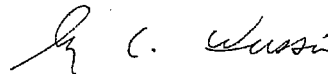
DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on November 23, 2011.

It is so ORDERED October 24, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

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

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12 In the Matter of the Accusation Against:

13 **EDGAR NAVASARDYAN**
9141 Langdon Avenue
14 North Hills, CA 91343

15 **Pharmacy Technician Registration**
16 **No. TCH 60051**

17 Respondent.

OAH No.: L-2010121063

Case No. 3728

STIPULATED SURRENDER
OF LICENSE AND
DISCIPLINARY ORDER

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Virginia K. Herold ("Complainant") is the Executive Officer of the Board of
22 Pharmacy, Department of Consumer Affairs. She brings this action solely in her official capacity
23 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,
24 by Armando Zambrano, Deputy Attorney General.

25 2. Edgar Navasardyan ("Respondent") is represented by defense attorney Mark Geragos
26 of the law firm Geragos & Geragos, in Los Angeles, CA.

27 3. On or about April 26, 2005, the Board of Pharmacy ("Board") issued Pharmacy
28 Technician Registration Number TCH 60051 to Respondent Edgar Navasardyan. The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 the Accusation No. 3728 and will expire on September 30, 2012, unless renewed.

3 **JURISDICTION**

4 4. The Accusation No. 3728 was filed before the Board of Pharmacy, Department of
5 Consumer Affairs and is currently pending against the Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on October 4, 2010. A copy
7 of the Accusation No. 3728 is attached as Exhibit "A" and incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read and fully understands the charges and allegations in the
10 Accusation No. 3728. Respondent has carefully read and fully understands the effects of this
11 Stipulated Surrender of License and Disciplinary Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation No. 3728; the right to be represented by
14 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
15 the right to present evidence and to testify on his own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in the
23 Accusation No. 3728.

24 9. Respondent understands and agrees that the charges and allegations in the Accusation
25 No. 3728, if proven at a hearing, constitute cause for the Board of Pharmacy to impose discipline
26 upon his Pharmacy Technician Registration.

27 10. Respondent hereby agrees to surrender Pharmacy Technician Registration Number
28 TCH 60051 for the Board of Pharmacy's formal acceptance.

1 11. Respondent understands that by signing this stipulation he enables the Board of
2 Pharmacy to issue an order accepting the surrender of Pharmacy Technician Registration Number
3 TCH 60051 without further process or a hearing.

4 CONTINGENCY

5 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
6 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
7 communicate directly with the Board of Pharmacy regarding this stipulation and settlement,
8 without notice to or participation by Respondent. By signing the stipulation, Respondent
9 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
10 prior to the time the Board of Pharmacy considers and acts upon it. If the Board of Pharmacy
11 fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
12 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
13 action between the parties, and the Board of Pharmacy shall not be disqualified from further
14 action by having considered the matter.

15 13. This Stipulated Surrender of License and Disciplinary Order are intended by the
16 parties to be an integrated writing representing the complete, final, and exclusive embodiment of
17 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
18 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
19 License and Disciplinary Order may not be altered, amended, modified, supplemented, or
20 otherwise changed except by a writing executed by an authorized representative of each of the
21 parties.

22 14. The parties understand and agree that facsimile copies of this Stipulated Surrender of
23 License and Disciplinary Order, including facsimile signatures thereto, shall have the same force
24 and effect as the originals.

25 15. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board of Pharmacy may, without further notice or formal proceeding, issue and enter the
27 following Order:

28 //

ORDER

1
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration Number TCH 60051
3 issued to Respondent Edgar Navasardyan is surrendered and accepted by the Board of Pharmacy,
4 as of the effective date of this decision.

5 16. Respondent shall relinquish his pharmacy technician license to the board within ten
6 (10) days of the effective date of this decision.

7 17. The surrender of Respondent's license and the acceptance of the surrendered license
8 by the Board shall constitute the imposition of discipline against Respondent. This decision
9 constitutes a record of discipline and shall become a part of Respondent's license history with the
10 Board.

11 18. Respondent understands and agrees that if he ever files an application for licensure or
12 a petition for reinstatement in the State of California, the Board shall treat it as a new application
13 for licensure.

14 19. Respondent may not apply for any license, permit, or registration from the Board for
15 three (3) years from the effective date of this decision.

16 20. Respondent stipulates that should he apply for any license from the Board on or after
17 the effective date of this decision, all allegations set forth in Accusation No. 3728 shall be
18 deemed to be true, correct and admitted by Respondent when the board determines whether to
19 grant or deny the application.

20 21. Respondent shall satisfy all requirements applicable to that license as of the date the
21 application is submitted to the Board, including, but not limited to certification by a nationally
22 recognized body prior to the issuance of a new license.

23 22. Respondent is required to report this surrender of license as a disciplinary action.

24 23. Respondent further stipulates that should he apply for any license from the Board on
25 or after the effective date of this decision, that the investigation and prosecution costs in the
26 amount of \$ 6, 205.00 shall be paid to the Board of Pharmacy prior to the issuance of the license.

27 //


28 //

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Disciplinary Order.

3 I understand the stipulation and the effect it will have on my Pharmacy Technician
4 Registration Number TCH 60051. I enter into this Stipulated Surrender of License and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Board of Pharmacy.

7
8 DATED: 02/04/11


9 _____
10 EDGAR NAVASARDYAN
11 Respondent

12 I have read and fully discussed with Respondent Edgar Navasardyan the terms and
13 conditions and other matters contained in the above Stipulated Surrender of License and
14 Disciplinary Order. I approve its form and content.

15 DATED: 8/4/11


16 _____
17 MARK GERAGOS
18 Attorney for Respondent

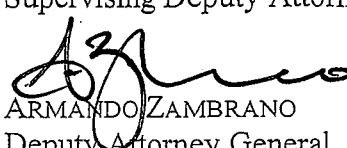
19 ENDORSEMENT

20 The foregoing Stipulated Surrender of License and Disciplinary Order are hereby
21 respectfully submitted for consideration by the Board of Pharmacy.

22 Dated: August 4, 2011

23 Respectfully submitted,

24 KAMALA D. HARRIS
25 Attorney General of California
26 GLORIA A. BARRIOS
27 Supervising Deputy Attorney General


28 ARMANDO ZAMBRANO
29 Deputy Attorney General
30 Attorneys for Complainant

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Exhibit A
Accusation No. 3728

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Attorneys for Complainant

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

EDGAR NAVASARDYAN
9141 Langdon Avenue
North Hills, CA 91343

Pharmacy Technician Registration No.
TCH 60051

Respondent.

Case No. 3728

ACCUSATION

Complainant alleges:

PARTIES

1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy.
2. On or about April 26, 2005, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 60051 to Edgar Navasardyan (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2010, unless renewed.

JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy, under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 4. Section 4300 of the Code permits the Board to take disciplinary action to suspend or
6 revoke a license issued by the Board.

7 5. Section 118(b) of the Code states:

8 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board
9 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
10 of a court of law, or its surrender without the written consent of the board, shall not, during any
11 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
12 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
13 provided by law or to enter an order suspending or revoking the license or otherwise taking
14 disciplinary action against the licensee on any such ground."

STATUTORY PROVISIONS

15
16 6. Section 4301 of the Code states:

17 "The board shall take action against any holder of a license who is guilty of
18 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:"

19 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
20 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."

21 "(l) The conviction of a crime substantially related to the qualifications,
22 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
23 States Code regulating controlled substances or of a violation of the statutes of this
state regulating controlled substances or dangerous drugs shall be conclusive
24 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
25 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
26 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
27 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
28 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

1 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
2 the verdict of guilty, or dismissing the accusation, information, or indictment."

3 7. Section 490 of the Code states:

4 "(a) In addition to any other action that a board is permitted to take against a
5 licensee, a board may suspend or revoke a license on the ground that the licensee
6 has been convicted of a crime, if the crime is substantially related to the
7 qualifications, functions, or duties of the business or profession for which the
8 license was issued."

9 "(c) A conviction within the meaning of this section means a plea or verdict
10 of guilty or a conviction following a plea of nolo contendere. Any action that a
11 board is permitted to take following the establishment of a conviction may be
12 taken when the time for appeal has elapsed, or the judgment of conviction has been
13 affirmed on appeal, or when an order granting probation is made suspending the
14 imposition of sentence, irrespective of a subsequent order under the provisions of
15 Section 1203.4 of the Penal Code."

16 REGULATORY PROVISION

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

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

24 COST RECOVERY

25 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

29 FIRST CAUSE FOR DISCIPLINE

30 (Conviction of a Crime)

31 10. Respondent is subject to disciplinary action under section 4301(l) and 490(a) of the
32 Code because Respondent was convicted of the following crimes substantially related to the
33 qualifications, functions, and duties of a pharmacy technician.

34 (a) On or about May 13, 2009, in the Superior Court of the State of California, County of
35 Los Angeles, Respondent was found guilty by jury trial and convicted of the crime of Stalking, in
36 violation of Penal Code section 646.9(a), a Felony. The Respondent was sentenced to serve 2

1 years in state prison. (People v. Edgar Navasardyan, Superior Court of the State of California,
2 County of Los Angeles Case No. GA075055).

3 (b) On or about May 13, 2009, in the Superior Court of the State of California, County of
4 Los Angeles, Respondent was found guilty by jury trial and convicted of the crime of Criminal
5 Threats with the Intent to Terrorize, in violation of Penal Code section 422, a serious Felony and
6 a strike crime pursuant to Penal Code section 1192.7(c)(38). The Respondent was sentenced to
7 serve 2 years in state prison, to run concurrent with the other criminal sentence. (People v. Edgar
8 Navasardyan, Superior Court of the State of California, County of Los Angeles Case No.
9 GA075055).

10 (c) The facts and circumstances surrounding the convictions are that on or about
11 November 6, 2008, the Respondent's former girlfriend called the Burbank Police Department to
12 report that the Respondent had threatened to kill her and would not leave her alone. She told
13 officers she believed Respondent was willing and capable of carrying out the threats. She said the
14 Respondent showed up at her home to threaten her and that Respondent had sent over 400 text
15 messages in a period of four days. The text messages indicated she would "pay with her life" if
16 she did not do what Respondent wanted. She told police that the Respondent threatened to "take
17 her life" and said to her, "If I go to jail then I will have people come kill you and I'll watch it on
18 the news."

19 **SECOND CAUSE FOR DISCIPLINE**
(Committed Act of Moral Turpitude)

20 11. Respondent is subject to disciplinary action under section 4301(f) of the Code
21 because Respondent committed an act of moral turpitude. Complainant refers to, and by this
22 reference incorporates, the allegations set forth in paragraph 10 above, as though set forth fully.

23 **DISCIPLINE CONSIDERATIONS**

24 12. To determine the degree of discipline, if any, to be imposed on Respondent,
25 Complainant alleges that on or about June 7, 2002, in a prior criminal proceeding entitled People
26 v. Edgar Navasardyan in Los Angeles Superior Court (case number 2NE1052), Respondent was
27 convicted of Battery, in violation of Penal Code section 242-243(a), a misdemeanor and was
28 ordered to serve 30 days in jail, complete a domestic violence counseling program and placed on

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36 months probation. The record of the criminal proceeding is incorporated as if fully set forth.

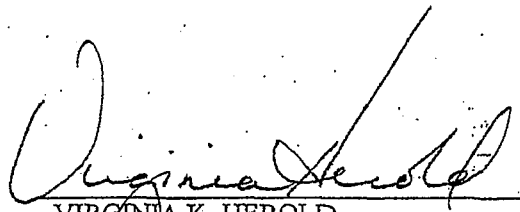
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 60051, issued to Edgar Navasardyan;
2. Ordering Edgar Navasardyan to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

9/28/10



VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
State of California
Complainant

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