

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

In the Matter of the Accusation Against:

**ASATUR POGOSYAN  
8460 Glencrest Drive  
Sun Valley, CA 91352**

**Pharmacy Technician Registration No. RPH  
49748**

Respondent.

Case No. 3834

OAH No. 2011050476

**DECISION AND ORDER**

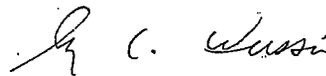
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 23, 2012.

It is so ORDERED on March 23, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
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8 *Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

Case No. 3834

13 **ASATUR POGOSYAN**  
14 **8460 Glencrest Drive**  
**Sun Valley, CA 91352**

OAH No. 2011050476

15 **Pharmacy Technician Registration No. TCH**  
16 **42825**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 Respondent.

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
21 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

22 PARTIES

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
24 She brought this action solely in her official capacity and is represented in this matter by Kamala  
25 D. Harris, Attorney General of the State of California, by Adrian R. Contreras, Deputy Attorney  
26 General.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 3834.

4 9. Respondent agrees that his Pharmacy Technician Registration is subject to discipline  
5 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
6 below.

7 CONTINGENCY

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

17 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
19 effect as the originals.

20 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
25 writing executed by an authorized representative of each of the parties.

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 42825 issued  
3 to Respondent Asatur Pogosyan (Respondent) is revoked. However, the revocation is stayed and  
4 Respondent is placed on probation for four (4) years on the following terms and conditions.

5 **1. Certification Prior to Resuming Work**

6 Respondent shall be automatically suspended from working as a pharmacy technician until  
7 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
8 satisfactory proof of certification to the board. Respondent shall not resume working as a  
9 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
10 year shall be considered a violation of probation. Respondent shall not resume working as a  
11 pharmacy technician until notified by the board.

12 During suspension, respondent shall not enter any pharmacy area or any portion of any  
13 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
17 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
19 substances. Respondent shall not resume work until notified by the board.

20 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
21 licensed premises by the board in which he holds an interest at the time this decision becomes  
22 effective unless otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 **2. Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

26 Respondent shall report any of the following occurrences to the board, in writing, within  
27 seventy-two (72) hours of such occurrence:

- 28  an arrest or issuance of a criminal complaint for violation of any provision of the

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Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacy technician license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

**3. Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

**4. Interview with the Board**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear at two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

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1           **5. Cooperate with Board Staff**

2           Respondent shall cooperate with the board's inspection program and with the board's  
3 monitoring and investigation of respondent's compliance with the terms and conditions of his  
4 probation. Failure to cooperate shall be considered a violation of probation.

5           **6. Notice to Employers**

6           During the period of probation, respondent shall notify all present and prospective  
7 employers of the decision in case number 3834 and the terms, conditions and restrictions imposed  
8 on respondent by the decision, as follows:

9           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
10 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
11 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
12 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
13 individual(s) has/have read the decision in case number 3834 and the terms and conditions  
14 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
15 supervisor(s) submit timely acknowledgement(s) to the board.

16           If respondent works for or is employed by or through a pharmacy employment service,  
17 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
18 of the terms and conditions of the decision in case number 3834 in advance of the respondent  
19 commencing work at each pharmacy. A record of this notification must be provided to the board  
20 upon request.

21           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
22 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
23 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
24 report to the board in writing acknowledging that he has read the decision in case number 3834  
25 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
26 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

27           Failure to timely notify present or prospective employer(s) or to cause that/those  
28 employer(s) to submit timely acknowledgements to the board shall be considered a violation of

1 probation.

2 "Employment" within the meaning of this provision shall include any full-time, part-  
3 time, temporary or relief service or pharmacy management service as a pharmacy  
4 technician or in any position for which a pharmacy technician license is a requirement  
5 or criterion for employment, whether the respondent is considered an employee,  
6 independent contractor or volunteer.

7 **7. Reimbursement of Board Costs**

8 As a condition precedent to successful completion of probation, respondent shall pay to the  
9 board its costs of investigation and prosecution in the amount of \$1,750.00. Respondent shall  
10 make said payments as approved by the Board. There shall be no deviation from this schedule  
11 absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s)  
12 as directed shall be considered a violation of probation.

13 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
14 reimburse the board its costs of investigation and prosecution.

15 **8. Probation Monitoring Costs**

16 Respondent shall pay any costs associated with probation monitoring as determined by the  
17 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
18 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
19 be considered a violation of probation.

20 **9. Status of License**

21 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
22 technician license with the board, including any period during which suspension or probation is  
23 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

24 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
25 otherwise at any time during the period of probation, including any extensions thereof due to  
26 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
27 terms and conditions of this probation not previously satisfied.

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1           **10. License Surrender While on Probation/Suspension**

2           Following the effective date of this decision, should respondent cease work due to  
3 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
4 respondent may tender his pharmacy technician license to the board for surrender. The board or  
5 its designee shall have the discretion whether to grant the request for surrender or take any other  
6 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
7 license, respondent will no longer be subject to the terms and conditions of probation. This  
8 surrender constitutes a record of discipline and shall become a part of the respondent's license  
9 history with the board.

10           Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician  
11 license to the board within ten (10) days of notification by the board that the surrender is  
12 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
13 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
14 applicable to the license sought as of the date the application for that license is submitted to the  
15 board.

16           **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
17 **Employment**

18           Respondent shall notify the board in writing within ten (10) days of any change of  
19 employment. Said notification shall include the reasons for leaving, the address of the new  
20 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
21 shall further notify the board in writing within ten (10) days of a change in name, residence  
22 address and mailing address, or phone number.

23           Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
24 phone number(s) shall be considered a violation of probation.

25           **12. Tolling of Probation**

26           Except during periods of suspension, respondent shall, at all times while on probation, be  
27 employed as a pharmacy technician in California for a minimum of ten (10) hours per calendar  
28 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,

1 the period of probation shall be extended by one month for each month during which this  
2 minimum is not met. During any such period of tolling of probation, respondent must  
3 nonetheless comply with all terms and conditions of probation.

4 Should respondent, regardless of residency, for any reason (including vacation) cease  
5 working as a pharmacy technician for a minimum of ten (10) hours per calendar month in  
6 California, respondent must notify the board in writing within ten (10) days of cessation of work  
7 and must further notify the board in writing within ten (10) days of the resumption of the work.  
8 Any failure to provide such notification(s) shall be considered a violation of probation.

9 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
10 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
11 exceeding thirty-six (36) months.

12 "Cessation of work" means calendar month during which respondent is not working  
13 for at least 10 hours as a pharmacy technician, as defined in Business and Professions  
14 Code section 4115. "Resumption of work" means any calendar month during which  
15 respondent is working as a pharmacy technician for at least 10 hours as a pharmacy  
16 technician as defined by Business and Professions Code section 4115.

17 **13. Violation of Probation**

18 If a respondent has not complied with any term or condition of probation, the board shall  
19 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
20 all terms and conditions have been satisfied or the board has taken other action as deemed  
21 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
22 to impose the penalty that was stayed.

23 If respondent violates probation in any respect, the board, after giving respondent notice  
24 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
25 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
26 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
27 a petition to revoke probation or an accusation is filed against respondent during probation, the  
28 board shall have continuing jurisdiction, and the period of probation shall be automatically

1 extended until the petition to revoke probation or accusation is heard and decided.

2 **14. Completion of Probation**

3 Upon written notice by the board indicating successful completion of probation,  
4 respondent's pharmacy technician license will be fully restored.

5 **15. No Ownership of Licensed Premises**

6 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
7 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
8 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
9 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
10 days following the effective date of this decision and shall immediately thereafter provide written  
11 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
12 documentation thereof shall be considered a violation of probation.

13 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

14 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
15 attendance at a recognized and established substance abuse recovery support group in California,  
16 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
17 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
18 directed by the board or its designee. Respondent shall continue regular attendance and submit  
19 signed and dated documentation confirming attendance with each quarterly report for the duration  
20 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
21 probation.

22 **17. Random Drug Screening**

23 Respondent, at his own expense, shall participate in random testing, including but not  
24 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
25 screening program as directed by the board or its designee. Respondent may be required to  
26 participate in testing for the entire probation period and the frequency of testing will be  
27 determined by the board or its designee. At all times respondent shall fully cooperate with the  
28 board or its designee, and shall, when directed, submit to such tests and samples for the detection

1 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
2 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
3 of probation. Upon request of the board or its designee, respondent shall provide documentation  
4 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
5 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
6 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
7 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
8 shall be considered a violation of probation and shall result in the automatic suspension of work  
9 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
10 board in writing.

11 During suspension, respondent shall not enter any pharmacy area or any portion of or any  
12 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
13 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
14 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
15 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
16 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
17 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
18 substances. Respondent shall not resume work until notified by the board.

19 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
20 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
21 licensed premises in which he holds an interest at the time this decision becomes effective unless  
22 otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 **18. Work Site Monitor**

25 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
26 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
27 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
28 reports in writing to the board quarterly. Should the designated work site monitor determine at

1 any time during the probationary period that respondent has not maintained sobriety, he shall  
2 notify the board immediately, either orally or in writing as directed. Should respondent change  
3 employment, a new work site monitor must be designated, for prior approval by the board, within  
4 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
5 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
6 considered a violation of probation.

7 **19. Notification of Departure**

8 Prior to leaving the probationary geographic area designated by the board or its designee for  
9 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
10 writing of the dates of departure and return. Failure to comply with this provision shall be  
11 considered a violation of probation.

12 **20. Abstain from Drugs and Alcohol Use**

13 Respondent shall completely abstain from the possession or use of alcohol, controlled  
14 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
15 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
16 request of the board or its designee, respondent shall provide documentation from the licensed  
17 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
18 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
19 violation of probation. Respondent shall ensure that he is not in the same physical location as  
20 individuals who are using illicit substances even if respondent is not personally ingesting the  
21 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
22 not supported by the documentation timely provided, and/or any physical proximity to persons  
23 using illicit substances, shall be considered a violation of probation.

24 **21. Community Services Program**

25 Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
26 board or its designee, for prior approval, a community service program in which respondent shall  
27 provide free health-care related services to a community or charitable facility or agency for at  
28 least thirty (30) hours per year for the first two (2) of probation.



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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 11/4 /2011

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General



ADRIAN R. CONTRERAS  
Deputy Attorney General  
*Attorneys for Complainant*

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80536681.doc

**Exhibit A**

**Accusation No. 3834**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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12 **ASATUR POGOSYAN**  
13 **8460 Glencrest Drive**  
14 **Sun Valley, CA 91352**

**ACCUSATION**

15 **Pharmacy Technician Registration**  
16 **No. TCH 42825**

Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about May 14, 2002, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 42825 to Asatur Pogosyan (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on February 29, 2012, unless renewed.

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1 This section shall not be construed to apply to any drug diversion program  
2 operated by any agency established under Division 2 (commencing with Section 500)  
3 of this code, or any initiative act referred to in that division.

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9. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

10. 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.

....  
(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

....  
(l) 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

1 fix the degree of discipline or, in the case of a conviction not involving controlled  
2 substances or dangerous drugs, to determine if the conviction is of an offense  
3 substantially related to the qualifications, functions, and duties of a licensee under this  
4 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere is deemed to be a conviction within the meaning of this provision. The  
6 board may take action when the time for appeal has elapsed, or the judgment of  
7 conviction has been affirmed on appeal or when an order granting probation is made  
8 suspending the imposition of sentence, irrespective of a subsequent order under  
9 Section 1203.4 of the Penal code allowing the person to withdraw his or her plea of  
10 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
11 dismissing the accusation, information or indictment.

12 ...  
13 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
14 abetting the violation of or conspiring to violate any provision or term of this chapter  
15 or of the applicable federal and state laws and regulations governing pharmacy,  
16 including regulations established by the board or by any other state or federal  
17 regulatory agency.

18 11. Title 16, California Code of Regulations, section 1769, states:

19 ...  
20 (b) When considering the suspension or revocation of a facility or a personal  
21 license on the ground that the licensee or the registrant has been convicted of a crime,  
22 the board, in evaluating the rehabilitation of such person and his present eligibility for  
23 a license will consider the following criteria:

24 (1) Nature and severity of the act(s) or offense(s).

25 (2) Total criminal record.

26 (3) The time that has elapsed since commission of the act(s) or offense(s).

27 (4) Whether the licensee has complied with all terms of parole, probation,  
28 restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

12. Title 16, California Code of Regulations, 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.

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**COST RECOVERY**

13. Section 125.3 of the Code 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.

**FIRST CAUSE FOR DISCIPLINE**

**(June 16, 2005 Criminal Conviction for Driving While License Suspended)**

14. Respondent is subject to disciplinary action under sections 490 and 4301(l) of the Code in that he was convicted of a crime that is substantially related to the qualifications, duties and functions of a pharmacy technician. The circumstances are as follows:

15. On or about June 15, 2005, in a criminal proceeding entitled *The People of the State of California v. Asatur Pogosyan*, in Los Angeles Superior Court, Case No. 4GL03346, Respondent was convicted on his plea of nolo contendere for violating Vehicle Code section 12500(A), (Driving While License Suspended)), a misdemeanor. As a result of the plea, Count 1 (Driving With Knowledge of Suspension, Revocation, or Restriction of Driving Privilege) was dismissed.

16. As a result of the conviction, Respondent was ordered to pay fines and fees totaling \$190. On June 15, 2005, a \$26,000 bench warrant was recalled.

**SECOND CAUSE FOR DISCIPLINE**

**(July 7, 2007 Criminal Conviction for Driving With Blood Alcohol Level of 0.08% Or More)**

17. Respondent is subject to disciplinary action under sections 490 and 4301(l) of the Code in that he was convicted of a crime that is substantially related to the qualifications, duties and functions of a pharmacy technician. The circumstances are as follows:

18. On or about July 7, 2007, in a criminal proceeding entitled *The People of the State of California v. Asatur Pogosyan*, in Los Angeles Superior Court, Case No. 702934, Respondent was convicted on his plea of guilty, of violating Vehicle Code section 23152(b) (Driving With Blood Alcohol Level of 0.08% or More), a misdemeanor.

1 19. The circumstances are that on or about April 24, 2007, respondent was arrested for  
2 driving with a blood alcohol level of 0.08% or more.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(May 10, 2010 Criminal Conviction for Driving With Blood Alcohol of 0.08% or More on**  
5 **March 10, 2010)**

6 20. Respondent is subject to disciplinary action under sections 490 and 4301(l) of the  
7 Code in that he was convicted of a crime that is substantially related to the qualifications, duties  
8 and functions of a pharmacy technician. The circumstances are as follows:

9 21. On or about May 10, 2010, in a criminal proceeding entitled *The People of the State*  
10 *of California v. Asatur Pogosyan*, in Los Angeles Superior Court, Case No. OGN01855,  
11 Respondent was convicted on his plea of nolo contendere for violating Vehicle Code section  
12 23152(b), (Driving Without a Blood Alcohol Level of 0.08% or More), a misdemeanor. As a  
13 result of the plea, Count 1 (Driving under the Influence of Alcohol) was dismissed.

14 22. As a result of the conviction, Respondent was placed on summary probation for four  
15 (4) years and ordered, among other things, to serve 30 days in the Los Angeles County Jail, pay  
16 various fines and fees, enroll in and successfully complete an 18-month licensed second-offender  
17 alcohol and other drug education counseling program, make restitution to the victim, not operate  
18 a motor vehicle within twelve hours of having consumed any alcoholic beverages, not refuse to  
19 take a chemical/breath test for alcohol or drug consumption when requested, and obey all laws.

20 23. On July 6, 2010, Respondent's probation was revoked for having received a second  
21 conviction for violating Vehicle Code section 12500(A) (Driving While License Suspended – see  
22 Cause for Discipline 2.) Respondent's probation was reinstated and allowed to continue on  
23 probation on the same terms and conditions with the following modifications: Perform five (5)  
24 days of CalTrans and ordered to serve 30 days in the county jail (previously ordered stayed)

25 24. The facts that led to the conviction are that on or about March 10, 2010, Glendale  
26 Police Department officers responded to a call of an accident involving multiple parked vehicles

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1 at Wilson Avenue East of Adams in the City of Glendale, CA. Officers were informed that the  
2 driver of vehicle #1 was possibly under the influence of alcohol.

3 25. Upon arrival, officers made contact with Respondent and observed Respondent sitting  
4 on the curb. Respondent's speech was slurred and officers could smell an odor of alcohol  
5 emitting from his breath and person. When officers asked Respondent to stand up, Respondent  
6 attempted to stand up but began to stumble. Officers assisted Respondent to his feet and noticed  
7 his eyes were bloodshot and watery. Officers asked Respondent what had happened, and  
8 Respondent replied "I don't know." Officers performed a field sobriety test on Respondent which  
9 he failed. Respondent told officers that he had two 12-ounce beers in approximately 30 minutes.  
10 Respondent refused a breath test. Based on the results of the field sobriety test, the objective  
11 symptoms of alcohol intoxication that Respondent displayed, and his admission of consuming  
12 alcohol that evening, officers arrested Respondent for driving under the influence of alcohol and  
13 for driving with a blood alcohol level of 0.08% or more. Officers determined Respondent hit  
14 three parked cars with his vehicle.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(July 6, 2010 Criminal Conviction for Driving a Motor Vehicle While License Suspended)**

17 26. Respondent is subject to disciplinary action under sections 490 and 4301(l) of the  
18 Code in that he was convicted of a crime that is substantially related to the qualifications, duties  
19 and functions of a pharmacy technician. The circumstances are as follows:

20 27. On or about June 16, 2010, in a criminal proceeding entitled *The People of the State*  
21 *of California v. Asatur Pogosyan*, in Los Angeles Superior Court, Case No. 0GN02629,  
22 Respondent was convicted on his plea of nolo contendere for violating Vehicle Code section  
23 12500(A), (Driving While License Suspended), a misdemeanor. As a result of the plea, Counts 1  
24 and 2 (Driving When Privilege Suspended or Revoked for Driving Under the Influence of  
25 Alcohol or Drugs and Driving a Motor Vehicle While Using a Wireless Telephone) were  
26 dismissed pursuant to a plea agreement.

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