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

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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 3958

ELIZABETH MANANIAN
1740 N. Harvard Blvd., #301
Los Angeles, CA 90027
Pharmacy Technician License No. TCH
59117

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about August 25, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3958 against Elizabeth Mananian (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 24, 2004, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 59117 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 3958 and will expire on March 31, 2012, unless renewed.

3. On or about September 6, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3958, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and

1 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
2 section 4100, is required to be reported and maintained with the Board, which was and is:

3 1740 N. Harvard Blvd., #301
4 Los Angeles, CA 90027.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. On or about September 15, 2011, our office received the signed domestic return
9 receipt which shows that the aforementioned documents were delivered to the above address.

10 6. Government Code section 11506 states, in pertinent part:

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3958.

18 8. California Government Code section 11520 states, in pertinent part:

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

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 3958, finds that
28 the charges and allegations in Accusation No. 3958, are separately and severally, found to be true
and correct by clear and convincing evidence.

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ORDER

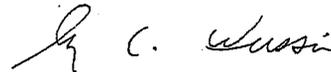
IT IS SO ORDERED that Pharmacy Technician License No. TCH 59117, heretofore issued to Respondent Elizabeth Mananian, is revoked.

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

This decision shall become effective on April 12, 2012.

It is so ORDERED on March 13, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

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DOJ Matter ID:LA2011600255

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MARC D. GREENBAUM
Supervising Deputy Attorney General
4 State Bar No. 138213
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2579
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 3958

12 **ELIZABETH MANANIAN**
1740 N. Harvard Blvd., #301
13 Los Angeles, CA 90027

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 59117

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).
22 2. On or about October 21, 2004, the Board issued Pharmacy Technician License No.
23 TCH 59117 to Elizabeth Mananian (Respondent). The Pharmacy Technician License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on March 31,
25 2012, unless renewed.

26 **JURISDICTION**

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

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
4 action during the period within which the license may be renewed, restored, reissued or
5 reinstated.

6 5. Section 490 provides that a board may suspend or revoke a license on the ground that
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
8 duties of the business or profession for which the license was issued..

9 6. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
10 revoked.”

11 7. Section 4301 states, in pertinent part:

12 “The board shall take action against any holder of a license who is guilty of unprofessional
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

14 Unprofessional conduct shall include, but is not limited to, any of the following:

15

16 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
17 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
18 whether the act is a felony or misdemeanor or not.

19

20 “(l) The conviction of a crime substantially related to the qualifications, functions, and
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
23 substances or of a violation of the statutes of this state regulating controlled substances or
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
26 The board may inquire into the circumstances surrounding the commission of the crime, in order
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment. . . .”

9 REGULATORY PROVISION

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

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

17 COST RECOVERY

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

22 FIRST CAUSE FOR DISCIPLINE

23 (Conviction of Substantially Related Crime)

24 10. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,
25 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
26 grounds of unprofessional conduct, in that on or about July 23, 2010, Respondent was convicted
27 of a crime substantially related to the qualifications, functions or duties of a licensee or registrant
28 which to a substantial degree evidences her present or potential unfitness to perform the functions

1 authorized by her license or registration in a manner consistent with the public health, safety, or
2 welfare, as follows:

3 a. On or about July 23, 2010, after pleading nolo contendere, Respondent was convicted
4 of one felony count of violating Penal Code section 487(a) [grand theft by embezzlement] in the
5 criminal proceeding entitled *The People of the State of California v. Elizabeth Mananian* (Super.
6 Ct. Los Angeles County, 2010, No. SA074312). The Court sentenced Respondent to one (1) day
7 in jail, placed her on five (5) years probation, ordered her to complete 96 days of community
8 service, to pay \$62,500 restitution to Comerica Bank, and to provide prints and biological
9 samples.

10 b. The circumstances underlying the conviction are that on and between March 23, 2007
11 and December 8, 2008, while working as a teller at Comerica Bank, Respondent stole \$62,500
12 from her employer.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

15 11. Respondent is subject to disciplinary action under sections 4300 and 4301,
16 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
17 involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by
18 this reference incorporates the allegations set forth above in paragraph 10 inclusive, as though set
19 forth fully.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician License No. TCH 59117, issued to
24 Elizabeth Mananian;

25 2. Ordering Elizabeth Mananian to pay the Board the reasonable costs of the
26 investigation and enforcement of this case, pursuant to section 125.3; and

27 ///

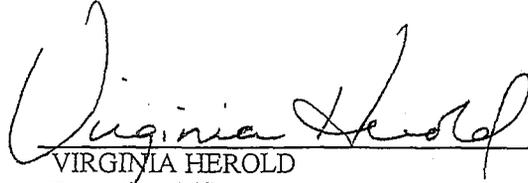
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3. Taking such other and further action as deemed necessary and proper.

DATED:

8/25/11



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

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