1		
2		
3		
4		
5		
6		
7		
8		RE THE PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	······································]
11	In the Matter of the First Amended Accusation Against:	Case No. 3974
12		DEFAULT DECISION AND ORDER
13	JORA PETROSIAN 1208 Green St.	[Gov. Code, §11520]
14	Glendale, CA 91205	
15	Pharmacy Technician Registration No. TCH 94104	
16		
17	Respondent.	
18	FINDING	S OF FACT
19 20		mplainant Virginia Herold, in her official
20	capacity as the Executive Officer of the Board of	
21		st Jora Petrosian ("Respondent") before the Board
22 23	of Pharmacy. (Accusation attached as Exhibit A	
24		Soard of Pharmacy ("Board") issued Pharmacy
25	Technician Registration No. TCH 94104 to Resp	oondent. On or about March 28, 2012, the
26	Pharmacy Technician Registration was automati	
27	Professions Code section 4311, subdivision (a).	The Pharmacy Technician Registration expired
28	on September 30, 2013, and has not been renewed	ed. Pursuant to Business and Professions Code
		1

section 4300.1, this lapse in licensure does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

3 On or about January 1, 2013 and November 21, 2013, Respondent was served by
 Certified and First Class Mail with copies of the First Amended Accusation No. 3974,¹
 Supplemental Statement to Respondent, Request for Discovery, and Discovery Statutes
 (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record
 which, pursuant to Business and Professions Code section 4100, is required to be reported and
 maintained with the Board. Respondent's address of record was and is: 1208 Green St. Glendale,
 CA 91205.

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

13

1

2

5. On or about August 8, 2011, Respondent signed and returned a Notice of Defense,

14 requesting a hearing in this matter.

7.

6. On or about October 8, 2013, a Notice of Hearing was served by mail at Respondent's
address of record and informed him that an administrative hearing in this matter was scheduled
for December 30, 2013. Respondent failed to appear at that hearing.

18

19

20

21

Government Code section 11506 states, in pertinent part:

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

22

23

24

25

26

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

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

²⁷ On or about July 22, 2011, Respondent was served with a copy of the original Accusation in this matter at his address of record with the Board.

9. Pursuant to its authority under Government Code section 11520, the Board finds 1 Respondent is in default. The Board will take action without further hearing and, based on the 2 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as 3 taking official notice of all the investigatory reports, exhibits and statements contained therein on 4 file at the Board's offices regarding the allegations contained in First Amended Accusation No. 5 3974, finds that the charges and allegations in First Amended Accusation No. 3974, are separately 6 7 and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and 8 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation 9 and Enforcement is \$6,805.00 as of December 27, 2013. 10

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jora Petrosian has subjected his Pharmacy Technician Registration No. TCH 94104 to discipline.

14

2.

11

12

13

The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Registered Pharmacy 15 Technician License based upon the following violations alleged in the First Amended Accusation 16 which are supported by the evidence contained in the Default Decision Evidence Packet in this 17 18 case:

Business and Professions Code sections 490 and 4301, subdivision (1), in conjunction (a) 19 with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional 20 conduct in that Respondent was convicted of crimes substantially related to the qualifications, 21 functions or duties of a registered pharmacy technician as follows: 22

23

(i) On or about October 13, 2011, Respondent was convicted of one felony count of violating Penal Code section 245(a)(1) [assault with a deadly weapon] in the criminal 24 proceeding entitled The People of the State of California v. Jora Petrosian (Super. Ct. Los 25 Angeles County, 2011, No. GA084073). 26

(ii) On or about September 13, 2010, Respondent was convicted of one felony 27 count of violating Penal Code section 530.5(c)(2) [fraud] in the criminal proceeding entitled The 28

People of the State of California v. Jora Petrosian (Super, Ct. Los Angeles County, 2010, No. GA080995). 2

(iii) On or about August 10, 2010, Respondent was convicted of four (4) felonies: 3 violating Penal Code section 12031(a)(1) [carrying a loaded firearm in a public place]; violating 4 5 Penal Code section 530.5(a) [get credit/etc: use other's identification]; violating Penal Code section 484e(d) [theft]; and violating Penal Code section 470(b) [possession of a forged drivers 6 license] in the criminal proceeding entitled The People of the State of California v. Jora Petrosian 7 (Super. Ct. Los Angeles County, 2010, No. GA080130). 8

(iv) On or about January 2, 2009, Respondent was convicted of one misdemeanor 9 count of violating Vehicle Code section 23103, subdivision (a) [reckless driving] in the criminal 10 proceeding entitled The People of the State of California v. Jora Petrosian (Super. Ct. Los 11 Angeles County, 2009, No 8GN04346). 12

(b) Business and Professions Code section 4301, subdivision (f), on the grounds of 13 unprofessional conduct in that Respondent committed acts involving moral turpitude, dishonesty, 14 fraud, deceit, and/or corruption. 15

4

111 16

-]]] 17
- 18 ///
- /// 19
- /// 20
- 111 21
- /// 22
-]]] 23 111 24
- ||| 25
- 111 26
- |||27
- /// 28

1	<u>ORDER</u>
2	IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 94104, heretofore
3	issued to Respondent Jora Petrosian, is revoked.
4	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5	written motion requesting that the Decision be vacated and stating the grounds relied on within
6	seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.
8	This Decision shall become effective on April 7, 2014.
9	It is so ORDERED ON March 6, 2014.
10	BOARD OF PHARMACY
11	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
12	
13	By C. WEISSER
14	Board President
15	51453267.DOCX/DOJ Matter ID:LA2011501333 Attachment: Exhibit A: First Amended Accusation
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	5 DEFAULT DECISION AND ORDER
I	

1	KAMALA D. HARRIS Attorney General of California
2	GLORIA A. BARRIOS Supervising Deputy Attorney General
3	KIMBERLEE D. KING Deputy Attorney General
4	State Bar No. 141813 300 So. Spring Street, Suite 1702
5	Los Angeles, CA 90013 Telephone: (213) 897-2581
6	Facsimile: (213) 897-2804 Attorneys for Complainant
7	
8 9	BEFORE THE BOARD OF PHARMACY DEBADTMENT OF CONSUMED A FEADOS
9 10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	In the Matter of the First Amended Accusation Against: Case No. 3974
12	In the Matter of the First Amended Accusation Against: Case No. 3974 JORA PETROSIAN
13	1208 Green St. Glendale, CA 91205 FIRST AMENDED
14	Registered Pharmacy Technician License No. TCH 94104
15	Respondent.
16	
17	Complainant alleges:
18	PARTIES
19	1. Virginia Herold (Complainant) brings this First Amended Accusation solely in her
20	official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21	Affairs (Board).
22	2. On or about December 3, 2009, the Board issued Registered Pharmacy Technician
23	License Number TCH 94104 to Jora Petrosian (Respondent). The Registered Pharmacy
24	Technician License was in full force and effect at all times relevant to the charges brought herein
25	and will expire on September 30, 2011, 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.
	1
ļ	Accusation

1	STATUTORY PROVISIONS
2	4. Section 118, subdivision (b), of the Code provides that the
3	suspension/expiration/surrender/cancellation of a license shall not deprive the
4	Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
5	within which the license may be renewed, restored, reissued or reinstated.
6	5. Section 490 of the Code provides that a board may suspend or revoke a license on the
7	ground that the licensee has been convicted of a crime substantially related to the qualifications,
8	functions, or duties of the business or profession for which the license was issued. A conviction
9	within the meaning of this section means a plea or verdict of guilty or a conviction following a
10	plea of nolo contendere. Any action which a board is permitted to take following the
11	establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment
12	of conviction has been affirmed on appeal, or when an order granting probation is made
13	suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
14	Section 1203.4 of the Penal Code.
15	6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
16	revoked."
17	7. Section 4301 of the Code states, in pertinent part:
18	"The board shall take action against any holder of a license who is guilty of unprofessional
19	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
20	Unprofessional conduct shall include, but is not limited to, any of the following:
21	· · · ·
22	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
23	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
24	whether the act is a felony or misdemeanor or not.
25	"(1) The conviction of a crime substantially related to the qualifications, functions, and
26	duties of a licensee under this chapter.
27	•••••
28	///
	2

1	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2	violation of or conspiring to violate any provision or term of this chapter [the Pharmacy Law] or
3	of the applicable federal and state laws and regulations governing pharmacy, including
4	regulations established by the board or by any other state or federal regulatory agency.
5	REGULATORY PROVISIONS
6	8. California Code of Regulations, title 16, section 1770, states, in pertinent part:
7	"For the purpose of denial, suspension, or revocation of a personal or facility license
8	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
9	crime or act shall be considered substantially related to the qualifications, functions or duties of a
10	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
11	licensee or registrant to perform the functions authorized by his license or registration in a manner
12	consistent with the public health, safety, or welfare."
13	COST RECOVERY
14	9. Section 125.3 of the Code provides that the Board may request the administrative law
15	judge to direct a licentiate found to have committed a violation or violations of the licensing act to
16	pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
17	FIRST CAUSE FOR DISCIPLINE
18	(Convictions of Substantially Related Crimes)
19	10. Respondent is subject to disciplinary action under sections 490, 4300, subdivision (a),
20	and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section
21	1770, in that, Respondent was convicted of crimes substantially related to the qualifications,
22	functions or duties of a registered pharmacist. The circumstances are as follows:
23	a. On or about October 13, 2011, after pleading nolo contendere, Respondent was
24	convicted of one (1) felony count of violating Penal Code section 245(a)(1) [assault with a deadly
25	weapon in the criminal proceeding entitled The People of the State of California v. Jora Petrosian
26	(Super. Ct. Los Angeles County, 2011, No. GA084073). The Court sentenced Respondent to two
27	(2) years of state prison with no probation, and credit for two days jail time. Furthermore, the
28	///
	. 3

Court ordered Respondent to make restitution to the victim in the amount of \$1862.35, restitution and parole restitution fines, and court fees.

1

2

3

4

5

6

7

8

b. The circumstances underlying the conviction are that on or about July 7, 2011, Respondent (the driver) and a passenger, angered over a parking space dispute, pursued the occupants in another vehicle, threw bricks at the vehicle, and after the occupants stopped and exited the vehicle, began physically assaulting (which included knocking the victim to the ground by throwing a brick at him and placing him in a choke hold while the other repeatedly hit him) one of the occupants causing substantial injuries to him.

c. On or about September 13, 2010, after pleading nolo contendere, Respondent was
convicted of one felony count of violating Penal Code section 530.5(c)(2) [fraud] in the criminal
proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los
Angeles County, 2010, No. GA080995). The Court sentenced Respondent to 365 days in jail and
placed him on a three-year probation.

14 d. The circumstances underlying the conviction are that on or about August 26, 2010,
15 Respondent was in possession of a fraudulent re-encoded credit card.

On or about August 10, 2010, after pleading nolo contendere, Respondent was e. 16 convicted of four (4) felony counts of violating Penal Code section 12031(a)(1) [carry a loaded 17 firearm in a public place]; Penal Code section 530.5(a) [get credit/etc: use other's identification]; 18 Penal Code section 484e(d) [theft]; and Penal Code section 470(b) [possession of a forged drivers 19 license] in the criminal proceeding entitled The People of the State of California v. Jora Petrosian 20 21 (Super. Ct. Los Angeles County, 2010, No. GA080130). The Court sentenced Respondent to eight (8) days in jail, placed him on a three-year probation, and ordered Respondent to stay away 22 from victims S.M and A.B., and make restitution to victim A.W. in the amount of \$150. 23 Furthermore, the Court ordered Respondent to complete 45 days of Probation Adult Alternative 24 Work Service (P.A.A.W.S). 25

f. The circumstances underlying the conviction are that on or about April 12, 2010,
Respondent was in possession of a loaded firearm, a fictitious driver's license, and a fraudulent
re-encoded credit card.

1	g. On or about January 2, 2009, after pleading nolo contendere, Respondent was	
2	convicted of one misdemeanor count of violating Vehicle Code section 23103, subdivision (a)	
3	[reckless driving] in the criminal proceeding entitled The People of the State of California v.	
4	Sergio Aguirre (Super. Ct. Los Angeles County, 2009, No 8GN04346). The Court ordered	
5	suspension of sentence and granted probation for a period of 36 months, with terms and	
6	conditions that included, but was not limited to, completion of an alcohol program.	
7	SECOND CAUSE FOR DISCIPLINE	
8	(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption,)	
9	11. Respondent is subject to disciplinary action under sections 4300, subdivision (a) and	
10	4301, subdivision (f), on the grounds of unprofessional conduct, in that, Respondent committed	
11	acts involving moral turpitude, dishonesty, fraud, deceit, and/or corruption. Complaint refers to	
12	and by this reference incorporates the allegations set forth above in paragraph 10, subparagraphs	
13	a-f, inclusive, as though set forth fully.	
14	THIRD CAUSE FOR DISCIPLINE	
15	(Unprofessional Conduct)	
16	12. Respondent is subject to disciplinary action under sections 4301, subdivision (o), in	
17	that, Respondent committed acts of unprofessional conduct violating provisions of the Pharmacy	
18	Law. Complaint refers to and by this reference incorporates the allegations set forth above in	
19	paragraphs 10 and 11, inclusive, as though set 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 of Pharmacy issue a decision:	
23	1. Revoking or suspending Registered Pharmacy Technician License Number TCH	
24	94104, issued to Jora Petrosian	
25	2. Ordering Jora Petrosian to pay the Board of Pharmacy the reasonable costs of the	
26	investigation and enforcement of this case, pursuant to Business and Professions Code	
27	section 125.3;	
28	3. Taking such other and further action as deemed necessary and proper.	
	5	
	Accusation	

.

DATED: 12/20/12 VIRGINIA/HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2011501333