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

In the Matter of the Accusation Against:

Case No. 4054

**DAVID KARAPETYAN
1661 Encarta Street
Las Vegas, NV 89117
Pharmacy Technician Registration No. TCH
47089**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about August 14, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4054 against David Karapetyan (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about February 14, 2003, the Board of Pharmacy (“Board”) issued Pharmacy Technician Registration No. TCH 47089 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4054 and expired on May 31, 2012. The expiration of Respondent’s license followed the occurrence of

1 the charges brought in Accusation No. 4054. Furthermore and pursuant to Business and
2 Professions Code section 118(b), this lapse in licensure does not deprive the Board of its authority
3 to institute or continue this disciplinary proceeding.

4 3. On or about August 28, 2012, Respondent was served by Certified and First Class
5 Mail copies of Accusation No. 4054, Statement to Respondent, Notice of Defense, Request for
6 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
7 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
8 is required to be reported and maintained with the Board. Respondent's address of record was
9 and is:

10 580 W. Stocker Street, #10
11 Glendale, CA 91202

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 5. On or about September 10, 2012, the aforementioned documents were returned by the
16 U.S. Postal Service marked "Addressee Unknown." The address on the documents was the same
17 as the address on file with the Board. Respondent failed to maintain an updated address with the
18 Board and the Board has made attempts to serve the Respondent at the address on file.
19 Respondent has not made himself available for service and therefore, has not availed himself of
20 his right to file a notice of defense and appear at hearing.

21 6. On or about September 19, 2012, Respondent was served by Certified and First Class
22 Mail additional copies of Accusation No. 4054, Statement to Respondent, Notice of Defense,
23 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
24 and 11507.7) at an additional address on file with the Board. In addition to Respondent's address
25 of record, the Accusation and corresponding documents were served to:

26 1661 Encarta Street
27 Las Vegas, NV 89117.
28

1 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
2 Registration based upon the following violations alleged in the Accusation which are supported
3 by the evidence contained in the Default Decision Evidence Packet in this case:

4 a. Respondent's license is subject to disciplinary action under sections 490, 4300, and
5 4301, subdivision (1), in conjunction with California Code of Regulations, title 16, section 1770,
6 on the grounds of unprofessional conduct, in that Respondent was convicted of crimes
7 substantially related to the qualifications, functions or duties of a registered pharmacy technician
8 which to a substantial degree evidence his present or potential unfitness to perform the functions
9 authorized by his registration in a manner consistent with the public health, safety, or welfare.

10 b. On or about October 27, 2008, after pleading *nolo contendere*, Respondent was
11 convicted of one misdemeanor count of violating Las Vegas Municipal Code section 9550 [doing
12 business without a license], in the criminal proceeding entitled *The City of Las Vegas v. David*
13 *Karapetyan* (Muni. Ct. Las Vegas, Nevada, 2007, No. C0699843A). The conduct is described
14 with additional specificity in Accusation No. 4054, hereby incorporated by reference.

15 c. On or about February 4, 2010, after pleading *guilty*, Respondent was convicted of one
16 felony count of violating Nevada Revised Statutes section 453.3385(1) [trafficking in controlled
17 substances]; one felony count of violating Nevada Revised Statutes section 205.275(2)
18 [possession of a stolen firearm]; and one felony count of violating Nevada Revised Statutes
19 section 202.277(1) [changing, altering, removing, or obliterating serial number of a firearm], in
20 the criminal proceeding entitled *The State of Nevada v. David Karapetyan* (District Ct. Clark
21 County, Nevada, 2007, No. 08C250486). The conduct is described with additional specificity in
22 Accusation No. 4054, hereby incorporated by reference.

23 d. On or about December 29, 2005, after pleading *guilty*, Respondent was convicted of
24 one felony count of violating Nevada Revised Statutes section 193.330 [punishment for attempt
25 to commit a crime]; one felony count of violating Nevada Revised Statutes section 205.220
26 [grand larceny]; and one felony count of violating Nevada Revised Statutes section 205.222
27 [grand larceny penalties], in the criminal proceeding entitled *The State of Nevada v. David A*
28

1 *Karapetyan* (District Ct. Clark County, Nevada, 2003, No. 04C200278.3). The conduct is
2 described with additional specificity in Accusation No. 4054, hereby incorporated by reference.

3 e. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
4 subdivision (j), in conjunction with section 4060, on the grounds of unprofessional conduct, in
5 that on or about April 20, 2007, through July 02, 2007, Respondent was in possession of a
6 controlled substance and dangerous drug without a valid prescription. The conduct is described
7 with additional specificity in Accusation No. 4054, hereby incorporated by reference.

8 f. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
9 subdivision (j), on the grounds of unprofessional conduct, for violating Health and Safety Code
10 section 11377, subdivision (a), by possessing Cocaine, a controlled substance. The conduct is
11 described with additional specificity in Accusation No. 4054, hereby incorporated by reference.

12 g. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
13 subdivisions (g) and (f), on the grounds of unprofessional conduct, in that Respondent committed
14 acts involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Additionally, on or
15 about May 31, 2010, Respondent knowingly made a false statement of fact required to be
16 revealed on his application, by marking "No" when asked if he had been convicted of any crime
17 since he last renewed his license. The conduct is described with additional specificity in
18 Accusation No. 4054, hereby incorporated by reference.

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ORDER

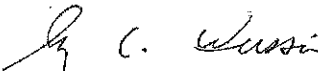
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 47089, heretofore issued to Respondent David Karapetyan, is revoked.

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 December 28, 2012.

It is so ORDERED ON November 28, 2012

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STANLEY C. WEISSER
Board President

51183069.DOC
DOJ Matter ID:LA2011600703

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ZACHARY T. FANSELOW
Deputy Attorney General
4 State Bar No. 274129
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2562
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 4054

11 **DAVID KARAPETYAN**
12 580 W. Stocker St., #10
13 Glendale, CA 91202

ACCUSATION

14 Pharmacy Technician Registration No. TCH
47089

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 14, 2003, the Board issued Pharmacy Technician Registration
22 No. TCH 47089 to David Karapetyan (Respondent). The Pharmacy Technician Registration was
23 in full force and effect at all times relevant to the charges brought herein and expired on May 31,
24 2012.

25 **JURISDICTION**

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

28 ///

1 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
2 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
3 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
4 labeled with the name and address of the supplier or producer.

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

8 7. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
9 revoked."

10 8. Section 4301 states, in pertinent part:

11 "The board shall take action against any holder of a license who is guilty of unprofessional
12 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
13 Unprofessional conduct shall include, but is not limited to, any of the following:

14

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

18 "(g) Knowingly making or signing any certificate or other document that falsely
19 represents the existence or nonexistence of a state of facts.

20

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

23

24 "(l) The conviction of a crime substantially related to the qualifications, functions, and
25 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
26 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
27 substances or of a violation of the statutes of this state regulating controlled substances or
28 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the

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

13 REGULATORY PROVISIONS

14 9. California Code of Regulations, title 16, section 1770, states:

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

21 DRUG STATUTES

22 10. Health and Safety Code section 11170 states that "[n]o person shall prescribe,
23 administer, or furnish a controlled substance for himself."

24 11. Health and Safety Code section 11173, subdivision (a), states that "[n]o person shall
25 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
26 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
27 or subterfuge; or (2) by the concealment of a material fact."

28 12. Health and Safety Code section 11350, subdivision (a), states:

1 "Except as otherwise provided in this division, every person who possesses (1) any
2 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
3 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
4 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
5 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
6 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
7 licensed to practice in this state, shall be punished by imprisonment in the state prison."

8 13. Health and Safety Code section 11377, subdivision (a), states:

9 "Except as authorized by law and as otherwise provided in subdivision (b) or Section
10 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
11 Business and Professions Code, every person who possess any controlled substance which is (1)
12 classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision
13 (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified
14 in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
15 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,
16 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice
17 in this state, shall be punished by imprisonment in a county jail for a period of not more than one
18 year or in the state prison."

19 COST RECOVERY

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

24 CONTROLLED SUBSTANCE/DANGEROUS DRUG

25 15. Cocaine, and any cocaine base, is a Schedule I controlled substance, as designated in
26 Health and Safety Code section 11054(f)(1), and a Schedule II controlled substance, as designated
27 in Health and Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to
28 Business and Professions Code section 4022.

1 knowingly, possessed 4 grams or more, but less than 14 grams, to wit: 13.4 grams of cocaine, or
2 any mixture of substance consisting of approximately 13.4 grams of cocaine. On or about May
3 22, 2007, and/or June 5, 2007, Respondent unlawfully, and feloniously, for his own gain, had in
4 possession stolen property taken from various people. Respondent had in his possession stolen
5 firearms to wit: two different Winchester rifles, and a Ruger semi-automatic handgun, which he
6 knew were stolen. On or about June 5, 2007, Respondent also knowingly, and unlawfully,
7 changed the serial number of a firearm, to-wit, a revolver and/or a Ruger semi-automatic
8 handgun. Subsequently, Respondent was convicted of violating Nevada Revised Statutes sections
9 453.3385(1), 205.275(2), and 202.277(1).

10 c. On or about December 29, 2005, after pleading *guilty*, Respondent was convicted of
11 one felony count of violating Nevada Revised Statutes section 193.330 [punishment for attempt
12 to commit a crime]; one felony count of violating Nevada Revised Statutes section 205.220
13 [grand larceny]; and one felony count of violating Nevada Revised Statutes section 205.222
14 [grand larceny penalties], in the criminal proceeding entitled *The State of Nevada v. David A*
15 *Karapetyan* (District Ct. Clark County, Nevada, 2003, No. 04C200278.3). The court sentenced
16 Respondent to 36 months in jail, with minimum parole eligibility of 12 months, and fined him.
17 The circumstances surrounding the conviction are that on or about September 22, 2003,
18 Respondent did willfully, and unlawfully, with intent to deprive the property owner, steal and
19 take property away from the department store Target, in various locations in Las Vegas, Clark
20 County, Nevada. The Respondent took a total of approximately 185 Hewlett Packard brand ink
21 cartridges from various Target stores and placed them in two metal trash cans which were
22 displayed for sale at one of the Target stores and only paid for the metal trash can and left the
23 store without paying for the ink cartridges. The Respondent was subsequently convicted of
24 violating Nevada Revised Statutes sections 193.330, 205.220, and 205.222

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Illegal Possession of Controlled Substances)**

27 17. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
28 subdivision (j), in conjunction with section 4060, on the grounds of unprofessional conduct, in

1 that on or about April 20, 2007 through July 02, 2007, Respondent was in possession of a
2 controlled substance and dangerous drug without a valid prescription. Complainant refers to, and
3 by this reference incorporates, the allegations set forth above in paragraph 16, subparagraph (b),
4 inclusive, as though set forth fully.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Violating Drug Statutes)**

7 18. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
8 subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health
9 and Safety Code as follows:

10 a. Section 11377, subdivision (a), by possessing Cocaine, a controlled substance.

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in
12 paragraph 16, subparagraph (b), inclusive, as though set forth fully.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and/or Corruption)**

15 19. Respondent's license is subject to disciplinary action under sections 4300 and 4301,
16 subdivisions (g) and (f), on the grounds of unprofessional conduct, in that Respondent committed
17 acts involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Additionally, on or
18 about May 31, 2010, Respondent knowingly made a false statement of fact required to be
19 revealed on his application, by marking "No" when asked if he had been convicted of any crime
20 since he last renewed his license. Complainant refers to, and by this reference incorporates, the
21 allegations set forth above in paragraphs 16 through 18, inclusive, as though set forth fully.

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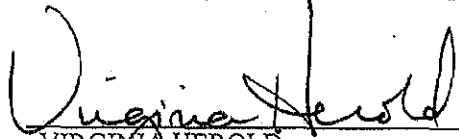
PRAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 47089, issued to David Karapetyan;
2. Ordering David Karapetyan to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

8/14/12



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

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