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

11 In the Matter of the Accusation Against:  
12  
13 **ERLANA MELISSETYAN**  
14 **288 W. Spruce Avenue**  
**Fresno, CA 93650**  
15 **Pharmacy Technician**  
**Registration No. TCH 64669**  
16  
17 Respondent.

Case No. 4067  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

18 **FINDINGS OF FACT**

- 19 1. On or about September 23, 2011, Complainant Virginia Herold, in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
21 filed Accusation No. 4067 against Erlana Melissetyan (Respondent) before the Board of  
22 Pharmacy. (Accusation attached as Exhibit A.)
- 23 2. On or about August 22, 2005, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician Registration No. TCH 64669 to Respondent. The Pharmacy Technician Registration  
25 was in full force and effect at all times relevant to the charges brought in Accusation No. 4067  
26 and will expire on December 31, 2012, unless renewed.
- 27 3. On or about October 11, 2011, Respondent was served by Certified and First Class  
28 Mail copies of the Accusation No. 4067, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
3 section 4100, is required to be reported and maintained with the Board, which was and is:  
4 288 W. Spruce Avenue, Fresno, California, 93650.

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. Government Code section 11506 states, in pertinent part:

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

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
15 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4067.

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

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

21 8. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
25 file at the Board's offices regarding the allegations contained in Accusation No. 4067, finds that  
26 the charges and allegations in Accusation No. 4067, are separately and severally, found to be true  
27 and correct by clear and convincing evidence.

28 9. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement is \$1,190.00 as of November 14, 2011.

///

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Erlana Melisseyan has subjected  
3 her Pharmacy Technician Registration No. TCH 64669 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

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

8 a. Bus. & Prof. Code section 4301(f) – Act Involving Moral Turpitude, Dishonesty,  
9 Fraud, Deceit, or Corruption

10 b. Bus. & Prof. Code section 4301(g) – Knowingly Making or Signing a Document that  
11 Falsely Represents the Existence of a State of Facts

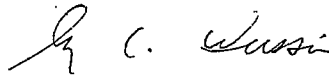
12 **ORDER**

13 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 64669, heretofore  
14 issued to Respondent Erlana Melisseyan, is revoked.

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

19 This Decision shall become effective on March 9, 2012.

20 It is so ORDERED February 8, 2012.

21 

22 STANLEY C. WEISSER, BOARD PRESIDENT  
23 FOR THE BOARD OF PHARMACY  
24 DEPARTMENT OF CONSUMER AFFAIRS

25 default decision LIC.rtf  
26 DOJ Matter ID:SA2011101281

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 KAREN R. DENVER  
Deputy Attorney General  
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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. 4067

12 **ERLANA MELISSETYAN**

13 **288 W. Spruce Avenue**  
14 **Fresno, CA 93650**

**A C C U S A T I O N**

15 **Pharmacy Technician**  
16 **Registration No. TCH 64669**

Respondent.

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.

22 2. On or about August 22, 2005, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 64669 to Erlana Melisseyan (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on December 31, 2012, unless renewed.

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1 JURISDICTION

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

5 4. Section 4300 of the Code states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board, whose  
8 default has been entered or whose case has been heard by the board and found guilty,  
by any of the following methods:

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

11 (3) Suspending his or her right to practice for a period not exceeding one year.

12 (4) Revoking his or her license.

13 (5) Taking any other action in relation to disciplining him or her as the board in its  
14 discretion may deem proper.

15 .....

16 5. Section 4301 of the Code states, in pertinent part:

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

19 .....

20 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
21 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.

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

24 .....

25 6. Section 118, subdivision (b), of the Code provides that the expiration of a license  
26 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
27 within which the license may be renewed, restored, reissued or reinstated.

28

1 **COST RECOVERY**

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

6 **BACKGROUND FACTS**

7 8. On or about April 13, 2008, Respondent submitted a credit application to Fresno  
8 Lexus, located in Fresno, California, to purchase a Lexus ES350. Respondent stated on the  
9 application that she was the manager of the Ararat Café at 545 W. Fedora Avenue in Fresno.  
10 Respondent's credit application was approved and she received financing for the vehicle in the  
11 amount of \$55,255.07.

12 9. On or about June 12, 2008, Respondent submitted a credit application to Michael's  
13 Toyota in Fresno, California, to purchase a Toyota Tundra. Respondent stated on the application  
14 that she was the manager of the Ararat Café at W. 545 W. Fedora Avenue in Fresno. Respondent  
15 also submitted pay check stubs which showed that she worked at the Ararat Café Int Market  
16 located at 545 W. Fedora Avenue in Fresno, making just under \$10,000 every two weeks.  
17 Respondent's credit application was approved and she received financing for the vehicle in the  
18 amount of \$48,871.35.

19 10. On or about June 30, 2008, Respondent submitted a credit application to Michael's  
20 Toyota in Fresno, California, to purchase a Toyota Sequoia. Respondent stated on the application  
21 that she was the manager of the Ararat Café at W. 545 W. Fedora Avenue in Fresno. Respondent  
22 also submitted pay check stubs which showed that she worked at the Ararat Café Int Market  
23 located at 545 W. Fedora Avenue in Fresno, making just under \$10,000 every two weeks.  
24 Respondent's credit application was approved and she received financing for the Toyota Sequoia  
25 in the amount of \$51,915.18.

26 11. An investigation by the Department of Motor Vehicles (DMV) revealed that the  
27 Ararat café is not listed in the City or County of Fresno records, and that the business does not  
28 exist at 545 W. Fedora Avenue in Fresno. The investigation revealed that 545 W. Fedora Avenue

1 in Fresno was a residence owned by a relative of Respondent. The residence was occupied by an  
2 elderly couple and there was no business being operated at that address.

3 12. On or about November 5, 2008, the DMV arrested Respondent on a warrant for three  
4 felony violations of Penal Code section 487(a) (grand theft). Respondent's case (Superior Court  
5 of California, Fresno County Case No. F08906948) remains pending at this time.

6 **FIRST CAUSE FOR DISCIPLINE**

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

8 13. Paragraphs 8 through 12 are incorporated by reference.

9 14. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
10 that she committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as set  
11 forth more fully in paragraphs 8 through 12, above.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Knowingly Making or Signing a that Falsely**

14 **Represents the Existence of State of Facts)**

15 15. Paragraphs 8 through 14 are incorporated by reference.

16 16. Respondent is subject to disciplinary action under section 4301, subdivision (g), in  
17 that she knowingly made or signed a certificate or document that falsely represents the existence  
18 or nonexistence of a state of facts, as set forth more fully in paragraphs 8 through 12, above.

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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 of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 64669, issued to Erlana Melisetyan.;
2. Ordering Erlana Melisetyan to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/23/11

*Virginia Herold*

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

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