

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

In the Matter of the Accusation Against:

Case No. 4112

VAHAN TOROSIAN
531 E. Garfield Avenue
Glendale, CA 91205

Pharmacy Technician License No. TCH 98261

Respondent.

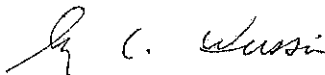
DECISION AND ORDER

The attached Stipulated Surrender of License and 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 September 14, 2012.

It is so ORDERED on August 15, 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 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HELENE E. SWANSON
Deputy Attorney General
4 State Bar No. 130426
300 So. Spring Street, Suite 1702
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4112

11 **VAHAN MIKE TOROSIAN**
12 **531 E. Garfield Ave**
13 **Glendale, CA 91205**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician License No. TCH**
15 **98261**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Helene E. Swanson, Deputy Attorney
23 General.

24 2. Vahan Mike Torosian (Respondent) is represented in this proceeding by attorney Fred
25 G. Minassian, whose address is:

26 Law Offices of Fred G. Minassian

27 101 N. Brand Blvd., Suite 1970

28 Glendale, CA 91203.

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
4 as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
8 the Board shall treat it as a new application for licensure. Respondent must comply with all the
9 laws, regulations and procedures for licensure in effect at the time the application or petition is
10 filed, and all of the charges and allegations contained in Accusation No. 4112 shall be deemed to
11 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
12 the application or petition. Respondent shall pay in full the costs of investigation and enforcement
13 in this matter, in the total amount of \$1,667.52, before Respondent's reapplication for licensure
14 may be granted.

15 5. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 4112 shall be deemed
18 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
19 other proceeding seeking to deny or restrict licensure.

20 6. Respondent shall not apply for licensure or petition for reinstatement for three years
21 from the effective date of the Board of Pharmacy's Decision and Order.

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ACCEPTANCE

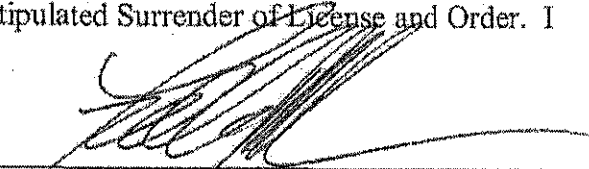
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Fred G. Minassian. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 4/26/2012


VAHAN MIKE TOROSIAN
Respondent

I have read and fully discussed with Respondent Vahan Mike Torosian the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4/11/2012


FRED G. MINASSIAN
Attorney for Respondent

ENDORSEMENT

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

Dated: 5/4/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



HELENE E. SWANSON
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 4112

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HELENE E. SWANSON
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4112

12 **VAHAN MIKE TOROSIAN**
13 531 E. Garfield Ave
Glendale, CA 91205

ACCUSATION

14 Pharmacy Technician License No. TCH 98261

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 26, 2010, the Board issued Pharmacy Technician License No.
22 TCH 98261 to Vahan Mike Torosian (Respondent). The Pharmacy Technician License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 January 31, 2012, unless renewed.

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 //

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 provides that the Board may request the administrative law judge to
19 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
20 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Conviction of a Substantially Related Crime)**

23 10. Respondent is subject to disciplinary action under Sections 490, 4300 and 4301,
24 subdivision (l), in conjunction with California Code of regulations, title 16, Section 1770, in that
25 on or about January 18, 2011, Respondent was convicted of a crime substantially related to the
26 qualifications, functions or duties of a licensee which to a substantial degree evidences his present
27 or potential unfitness to perform the functions authorized by his license in a manner consistent
28 with the public health, safety, or welfare, as follows:

1 a. On or about January 18, 2011, after pleading nolo contendere, Respondent was
2 convicted of one felony count of violating Penal Code section 245(a)(1) [assault with a deadly
3 weapon] in the criminal proceeding entitled *The People of the State of California v. Vahan Mike*
4 *Torosian* (Super, Ct., Los Angeles County, 2010, No. GA079624). On or about March 2, 2011,
5 the Court sentenced Respondent to four years in a state prison, and to pay restitution fines and
6 fees.

7 b. The circumstances underlying the conviction are that, on or about February 1, 2010,
8 while others stood around laughing, Respondent attempted to murder victim K.M., by stabbing
9 him approximately 11-12 times in his body and head¹. K.M. was transported to Huntington
10 Memorial Hospital for medical treatment, because he was bleeding profusely. On or about May
11 4, 2010, Respondent was arrested and charged with a felony violation of Penal Code section
12 245(a)(1).

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), in that on or about February 1, 2010, Respondent committed an act involving
17 moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this
18 reference incorporates the allegations set forth above in Paragraph 10, subparagraphs a and b,
19 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 issue a decision:

23 1. Revoking or suspending Pharmacy Technician License No. TCH 98261, issued to
24 Vahan Mike Torosian;

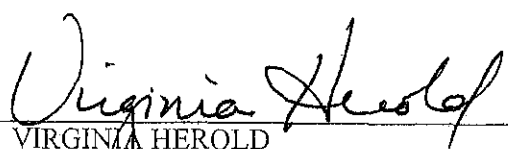
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26
27 ¹ The victim's initials have been used to protect his privacy rights, but documents
28 regarding the victim's identity will be produced to Respondent upon service of a timely and
appropriate discovery request.

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2. Ordering Vahan Mike Torosian to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: 2/24/12



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

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