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

la C. Wasi

Ву

STANLEY C. WEISSER Board President

1 2	KAMALA D. HARRIS Attorney General of California GREGORY J. SALUTE		
3	Supervising Deputy Attorney General HELENE E. SWANSON		
4	Deputy Attorney General State Bar No. 130426 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
5			
6	Los Angeles, CA 90013 Telephone: (213) 620-3005 Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
9			
10		1	
11	In the Matter of the Accusation Against:	Case No. 4112	
12	VAHAN MIKE TOROSIAN 531 E. Garfield Ave	STIPULATED SURRENDER OF LICENSE AND ORDER	
13	Glendale, CA 91205		
14	Pharmacy Technician License No. TCH 98261		
15	Respondent.		
16			
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this		
18	proceeding that the following matters are true:		
19	<u>PARTIES</u>		
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.		
ļ			

3. On or about February 26, 2010, the Board of Pharmacy issued Pharmacy Technician License No. TCH 98261 to Vahan Mike Torosian (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 4112 and will expire on January 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 4112 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 6, 2012. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 4112 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 4112. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 4112, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician License No. TCH 98261 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Pharmacy Technician License without further process.

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 98261, issued to Respondent Vahan Mike Torosian, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against

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

- 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 4112 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition. Respondent shall pay in full the costs of investigation and enforcement in this matter, in the total amount of \$1,667.52, before Respondent's reapplication for licensure may be granted.
- 5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 4112 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
- 6. Respondent shall not apply for licensure or petition for reinstatement for three years from the effective date of the Board of Pharmacy's Decision and Order.

27 //

//

 $/\!/$

28 |

2

3

5

4

6

7

8

9

10

11

12

13

14 15

16

17

18

19

20

21

22

2324

25

26

27

28

LA2011601112 10865671.doc

<u>ACCEPTANCE</u>

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.

Q4/26/2012

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: 4/1/2012

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

2 3	KAMALA D. HARRIS Attorney General of California GREGORY J. SALUTE Supervising Deputy Attorney General HELENE E, SWANSON	
4	Deputy Attorney General State Bar No. 130426	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 620-3005 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
9		
10	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	<u>PARTIES</u>	
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	
	This section followers are to the Business and Trolessions Code unless otherwise indicated.	

STATUTORY PROVISIONS

- 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."
 - 7. Section 4301 states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of 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:"

. . .

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

. . . .

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

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

REGULATORY PROVISION

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

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

COST RECOVERY

9. Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

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

15.

- a. On or about January 18, 2011, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 245(a)(1) [assault with a deadly weapon] in the criminal proceeding entitled *The People of the State of California v. Vahan Mike Torosian* (Super, Ct., Los Angeles County, 2010, No. GA079624). On or about March 2, 2011, the Court sentenced Respondent to four years in a state prison, and to pay restitution fines and fees.
- b. The circumstances underlying the conviction are that, on or about February 1, 2010, while others stood around laughing, Respondent attempted to murder victim K.M., by stabbing him approximately 11-12 times in his body and head. K.M. was transported to Huntington Memorial Hospital for medical treatment, because he was bleeding profusely. On or about May 4, 2010, Respondent was arrested and charged with a felony violation of Penal Code section 245(a)(1).

SECOND CAUSE FOR DISCIPLINE

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

11. Respondent is subject to disciplinary action under Sections 4300 and 4301, subdivision (f), in that on or about February 1, 2010, Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference incorporates the allegations set forth above in Paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

<u>PRAYER</u>

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 98261, issued to Vahan Mike Torosian;

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