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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. 4271

**VIGEN AGAJANYAN**  
1730 Heather Ridge Drive  
Glendale, CA 91207  
**Pharmacy Technician Registration No. TCH  
16224**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1.1. On or about June 1, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 4271 against Vigen Agajanyan (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

1.2. On or about June 14, 1995, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 16224 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4271 and will expire on May 31, 2013, unless renewed.

1           1.3. On or about July 5, 2012, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 4271, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 1730 Heather Ridge Drive, Glendale, CA 91207.

7           1.4. Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10          1.5. Government Code section 11506 states, in pertinent part:

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

16          1.6. Respondent failed to file a Notice of Defense within 15 days after service upon him  
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
18 4271.

19          1.7. California Government Code section 11520 states, in pertinent part:

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

24          1.8. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board offices regarding the allegations contained in Accusation No. 4271, finds that the  
charges and allegations in Accusation No. 4271, are separately and severally, found to be true and  
correct by clear and convincing evidence.

1 1.9. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$1,845.00 as of December 7, 2012.

4 DETERMINATION OF ISSUES

5 1.1. Based on the foregoing findings of fact, Respondent Vigen Agajanyan has subjected  
6 his Pharmacy Technician Registration No. TCH 16224 to discipline.

7 1.2. The agency has jurisdiction to adjudicate this case by default.

8 1.3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
9 Registration based upon the following violation alleged in the Accusation which is supported by  
10 the evidence contained in the Default Decision Evidence Packet in this case:

11 a. Bus. & Prof. Code, § 4301(j) (for violation of Health & Safety Code, § 11350(a)  
12 [unlawful possession of a controlled substance, Cocaine]).

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 16224, heretofore issued to Respondent Vigen Agajanyan, 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 March 3, 2013.

It is so ORDERED ON January 31, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
STANLEY C. WEISSER  
Board President

10955918.DOC  
DOJ Matter ID: LA2012602722

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4271

13 **VIGEN AGAJANYAN**  
1730 Heather Ridge Drive  
14 Glendale, CA 91207

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

15 **Pharmacy Technician Registration**  
16 **No. TCH 16224**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about June 14, 1995, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 16224 to Vigen Agajanyan (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on May 31, 2013, unless renewed.

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1 JURISDICTION

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

5 4. Section 4001.1 states:

6 "Protection of the public shall be the highest priority for the California State Board of  
7 Pharmacy in exercising its licensing, regulatory, and disciplinary functions. Whenever the  
8 protection of the public is inconsistent with other interests sought to be promoted, the protection  
9 of the public shall be paramount."

10 5. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
11 revoked."

12 6. Section 4301 of the Code states, in part:

13 "The board shall take action against any holder of a license who is guilty of unprofessional  
14 conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

15 ...

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

18 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
19 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
20 disciplinary action during the period within which the license may be renewed, restored, reissued  
21 or reinstated.

22 8. Section 492 of the Code states:

23 "Notwithstanding any other provision of law, successful completion of any diversion  
24 program under the Penal Code, or successful completion of an alcohol and drug problem  
25 assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of  
26 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
27 (commencing with Section 500) of this code, or any initiative act referred to in that division, from  
28 taking disciplinary action against a licensee or from denying a license for professional

1 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record  
2 pertaining to an arrest."

3 **REGULATORY PROVISION**

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

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

11 **COST RECOVERY**

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

15 **CONTROLLED SUBSTANCE**

16 11. Cocaine (and any Cocaine base) is a narcotic drug according to Health and  
17 Safety Code section 11019(e). It is a Schedule I controlled substance, as designated in Health and  
18 Safety Code section 11054(f)(1), and a Schedule II controlled substance, as designated in Health  
19 and Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to Code  
20 section 4022.

21 **CAUSE FOR DISCIPLINE**

22 **(Possession of a Controlled Substance)**

23 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), for  
24 violating Health and Safety Code section 11350(a) [possession of a controlled substance,  
25 Cocaine], on the grounds of unprofessional conduct, in that Respondent was in possession of  
26 Cocaine, a controlled substance and dangerous drug. The circumstances are as follows:

27 a. On or about September 1, 2010, Respondent was contacted by a United States  
28 Custom Border and Patrol officer, while in line to board a plane to Switzerland at Los Angeles



1 International Airport (LAX). Respondent appeared to be nervous and shaky. Respondent  
2 repeatedly approached the officer and had to be instructed to stand back. Respondent was then  
3 placed in handcuffs for officer safety after he approached the officer again. A search of  
4 Respondent's carry-on bag revealed a small black plastic/rubber casing tied up into a ball  
5 containing a white powdery substance. The substance tested positive for Cocaine. Upon  
6 inspection of Respondent's wallet, which was recovered from his rear right pocket, the officer  
7 located a folded one dollar bill behind several credit cards. When the bill was unfolded, the bill  
8 contained Cocaine. The total amount of Cocaine recovered from Respondent was 7.27 grams.  
9 Respondent was arrested for violation of HS section 11350(a) (Possession of a Narcotic  
10 Controlled Substance), a felony, by Los Angeles Police Department officers who were called to  
11 the scene and booked into custody at the Los Angeles Police Department Pacific Jail.

12 b. On or about October 1, 2010, in the criminal proceeding entitled *The People of the*  
13 *State of California v. Vigen Agajanyan* (Super. Ct. Los Angeles County, 2008, No. SA075347),  
14 on his plea of guilty to one felony count of violating Health and Safety Code section 11350(a)  
15 [possession of a controlled substance, Cocaine], the Court placed Respondent on deferred entry of  
16 judgment for thirty-six (36) months. The Court ordered Respondent to pay fines and to complete  
17 a drug diversion education and treatment program.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician Registration Number TCH 16224,  
22 issued to Vigen Agajanyan;

23 2. Ordering Vigen Agajanyan to pay the Board the reasonable costs of the investigation  
24 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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26 ///

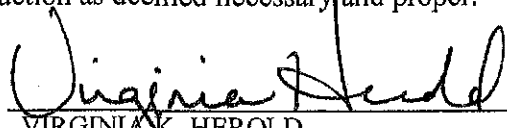
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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/1/12



VIRGINIA K. HEROLD  
Executive Officer  
Board of Pharmacy  
State of California  
*Complainant*

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