

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

In the Matter of the Accusation Against:  
  
**GOR ATABEKYAN**  
14010 Vanowen St. #208  
Van Nuys, CA 91405  
  
Pharmacy Technician Registration  
No. TCH 67789  
  
Respondent.

Case No. 4639  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about August 12, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4639 against Gor Atabekyan (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about August 9, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 67789 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4639 and will expire on May 31, 2016, unless renewed.
3. On or about August 28, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4639, 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. Respondent's address of  
4 record was and is: 14010 Vanowen St. #208, Van Nuys, CA 91405.

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 him  
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
16 4639.

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

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

22 8. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
26 file at the Board's offices regarding the allegations contained in Accusation No. 4639, finds that  
27 the charges and allegations in Accusation No. 4639, are separately and severally, found to be true  
28 and correct by clear and convincing evidence.

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 \$3,137.50 as of September 26, 2014.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Gor Atabekyan has subjected his  
3 Pharmacy Technician Registration No. TCH 67789 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) Respondent is subject to disciplinary action under Business and Professions Code  
9 section 4301, subdivision (f) on the grounds of unprofessional conduct in that Respondent committed  
10 acts involving dishonesty, fraud or deceit.

11 (b) Respondent is subject to disciplinary action under Business and Professions Code  
12 section 4301, subdivision (h), in that on or about April 21, 2012, Respondent, by his own admission,  
13 admitted that he used marijuana and drank alcohol.

14 (c) Respondent is subject to disciplinary action under Business and Professions Code  
15 section 4301, subdivision (j), as defined in section 4060, in that on or about April 21, 2012,  
16 Respondent obtained or possessed a controlled substance – Marijuana.

17 4. On or about February 10, 2010, Respondent was issued a letter of Admonishment by the  
18 Board for his prior criminal history as follows:

19 (a) On or about September 27, 2006, Respondent was convicted of one misdemeanor count  
20 of violating Penal Code section 12020, subdivision (a)(1) [possessing dangerous weapons] in the  
21 criminal proceeding entitled *The People of the State of California v. Gor Atabekyan* (Super. Ct. Los  
22 Angeles County, 2006, No. 6PY05554).

23 (b) On or about June 16, 2006, Respondent was convicted of one misdemeanor count of  
24 violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or  
25 drugs] in the criminal proceeding entitled *The People of the State of California v. Gor Atabekyan*  
26 (Super. Ct. Los Angeles County, 2006, No. 6VY01952).

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

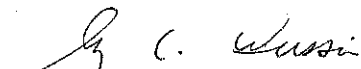
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 67789, heretofore issued to Respondent Gor Atabekyan, is revoked.

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 April 24, 2015.

It is so ORDERED March 25, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
STAN C. WEISSER  
Board President

51606977.DOC  
DOJ Matter ID:LA2013509860  
03052015

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 ELYSE M. DAVIDSON  
Deputy Attorney General  
4 State Bar No. 285842  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2533  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **GOR ATABEKYAN**  
13 14010 Vanowen St., #208  
Van Nuys, CA 92405  
14 Pharmacy Technician Registration  
15 No. TCH 67789  
16 Respondent.

Case No. 4639  
**ACCUSATION**

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.  
21 2. On or about August 9, 2006, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 67789 to Gor Atabekyan (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on May 31, 2016, 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 ///

1 STATUTORY PROVISIONS

2 4. Section 4060 provides in pertinent part, that no person shall possess any controlled  
3 substance, except that furnished to a person upon the prescription of a physician, dentist,  
4 podiatrist, optometrist, veterinarian, or other authorized prescriber.

5 5. Section 4300 provides, in pertinent part, that every license issued by the Board is  
6 subject to discipline, including suspension or revocation.

7 6. Section 4300.1 states:

8 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of  
9 law or by order or decision of the board or a court of law, the placement of a license on a retired  
10 status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction  
11 to commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
12 licensee or to render a decision suspending or revoking the license."

13 7. Section 4301 states:

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

17 .....

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

21 .....

22 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
23 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
24 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
25 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
26 practice authorized by the license.

27 .....

28 ///

1           “(j) The violation of any of the statutes of this state, or any other state, or of the United  
2 States regulating controlled substances and dangerous drugs.”

### 3                                 COST RECOVERY

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

### 8                                 CONTROLLED SUBSTANCE

9           “Marijuana” is a schedule I controlled substance and is designated by Health and Safety  
10 Code section 11054, subdivision (d)(13).

### 11                                 FIRST CAUSE FOR DISCIPLINE

#### 12                                     (Dishonesty, Fraud or Deceit)

13           9.     Respondent is subject to disciplinary action under section 4301, subdivision (f) on the  
14 grounds of unprofessional conduct in that Respondent committed acts involving dishonesty, fraud  
15 or deceit, as follows:

16           a.     On or about April 21, 2012, during a traffic stop, by the Glendale Police Department,  
17 Respondent was contacted while seated in the vehicle’s front passenger seat. While speaking to  
18 Respondent, the officer detected a strong odor of marijuana coming from inside the vehicle.  
19 Respondent admitted that he was smoking marijuana inside the vehicle at an engagement party,  
20 prior to being pulled over. During a pat down search, the officer recovered \$349.00 from  
21 Respondent’s front right pants pocket. The officer observed Respondent’s hands and upper torso  
22 were shaking and he appeared to be nervous. During a consented search of Respondent’s vehicle,  
23 the officer recovered \$1,980.00 in cash, a computer disk, five cell phones, a check book, a green  
24 bottle that contained a green leafy substance resembling marijuana, seven credit cards with  
25 fraudulent embossed lettering found inside Respondent’s wallet, ten credit cards with the driver’s  
26 name embossed, one large envelope containing numerous sheets of paper with hand written  
27 identifying information for numerous names including, birthdates, and social security numbers,  
28 photo copied driver’s licenses and social security cards for two people, seven additional credit



1 cards in numerous names, one smaller envelope containing folded sheets of paper with additional  
2 names, birthdates, and social security numbers, and a laptop computer and memory card.  
3 Respondent admitted that the items found inside the vehicle belonged to him, including the  
4 marijuana found in the front passenger area.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Use/Under the Influence of Alcohol and/or a Controlled Substance)**

7 10. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
8 that on or about April 21, 2012, Respondent, by his own admission, admitted that he used  
9 marijuana and drank alcohol. Complainant refers to, and by this reference incorporates, the  
10 allegations set forth above in paragraph 9, subparagraph (a), as though set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Obtained or Possessed a Controlled Substance)**

13 11. Respondent is subject to disciplinary action under section 4301, subdivision (j), as  
14 defined in section 4060, in that on or about April 21, 2012, Respondent obtained or possessed a  
15 controlled substance – Marijuana. Complainant refers to, and by this reference incorporates, the  
16 allegations set forth above in paragraph 9, subparagraph (a), as though set forth fully.

17 **DISCIPLINARY CONSIDERATIONS**

18 12. In order to determine the degree of discipline, if any to be imposed on Respondent,  
19 Complainant alleges the following:

20 a. On or about February 10, 2010, Respondent was issued a letter of Admonishment by  
21 the Board for his prior criminal history.

22 b. On or about September 27, 2006, Respondent was convicted of one misdemeanor  
23 count of violating Penal Code section 12020, subdivision (a)(1) [possessing dangerous weapons]  
24 in the criminal proceeding entitled *The People of the State of California v. Gor Atabekyan* (Super.  
25 Ct. Los Angeles County, 2006, No. 6PY05554). The Court sentenced Respondent to serve 20  
26 days in Los Angeles County Jail and placed him on 36 months probation, with terms and  
27 conditions. The circumstances surrounding the conviction are that on or about September 1,  
28 2006, Respondent was found to be possessing dangerous weapons. On or about March 12, 2010,

1 the court set aside and dismissed the conviction pursuant to 1203.4.

2 e. On or about June 16, 2006, Respondent was convicted of one misdemeanor count of  
3 violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or  
4 drugs] in the criminal proceeding entitled *The People of the State of California v. Gor Atabekyan*  
5 (Super. Ct. Los Angeles County, 2006, No. 6VY01952). The Court placed Respondent on 36  
6 months probation, with terms and conditions. The circumstances surrounding the conviction are  
7 that on or about April 8, 2006, Respondent drove a vehicle while under the influence of alcohol or  
8 drugs. Respondent admitted to being in possession of and smoking marijuana.

9 PRAYER

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

12 1. Revoking or suspending Pharmacy Technician Registration No. TCH 67789, issued to  
13 Gor Atabekyan;

14 2. Ordering Gor Atabekyan to pay the Board of Pharmacy the reasonable costs of the  
15 investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and

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

18 DATED: 8/12/14

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

22  
23  
24  
25  
26  
27 LA2013509860/51521489.doc/07142014