

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

In the Matter of the Accusation Against:

Case No. 4691

AVEDIS KOUYOUMDJIAN
2912 Canada Blvd.
Glendale, CA 91208

**Pharmacy Technician Registration No.
TCH 66161**

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 December 9, 2015.

It is so ORDERED on November 9, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

11 In the Matter of the Accusation Against:

Case No. 4691

12 **AVEDIS KOUYOUMDJIAN**
2912 Canada Blvd.
13 Glendale, CA 91208

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration No.**
15 **TCH 66161**

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

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

25 2. Avedis Kouyoumdjian (Respondent) is represented in this proceeding by Tony J. Park
26 of California Pharmacy Lawyers. Mr. Park's address is 2855 Michelle Dr., Suite 180, Irvine, CA
27 92606.

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3. On November 17, 2005, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 66161 to Respondent. The registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4691. The registration expired on June 30, 2015 and is now delinquent.

JURISDICTION

4. Accusation No. 4691 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 5, 2015. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 4691 is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 4691. 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.

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1 **CULPABILITY**

2 8. Respondent understands that the charges and allegations in Accusation No. 4691, if
3 proven at a hearing, would constitute cause for imposing discipline upon his Pharmacy
4 Technician Registration.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation and that those charges would constitute cause for
8 discipline. Respondent hereby gives up his right to contest that cause for discipline exists based
9 on those charges.

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

12 **CONTINGENCY**

13 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
14 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
15 communicate directly with the Board regarding this stipulation and surrender, without notice to or
16 participation by Respondent or his counsel. By signing the stipulation, Respondent understands
17 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
18 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
19 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
20 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
21 and the Board shall not be disqualified from further action by having considered this matter.

22 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Surrender of License and Order, including Portable Document Format
24 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

25 13. This Stipulated Surrender of License and Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

3 14. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following Order:

5 **ORDER**

6 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 66161, issued
7 to Respondent Avedis Kouyoumdjian, is surrendered and accepted by the Board of Pharmacy.

8 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
9 of the surrendered license by the Board shall constitute the imposition of discipline against
10 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
11 Respondent's license history with the Board of Pharmacy.

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

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

16 4. Respondent understands and agrees that if he ever files an application for licensure or
17 a petition for reinstatement in the State of California, the Board shall treat it as a new application
18 for licensure.

19 5. Respondent may not apply for any license, permit, or registration from the Board for
20 three years from the effective date of this decision. Respondent stipulates that should he apply for
21 any license from the Board on or after the effective date of this Decision, all allegations set forth
22 in the Accusation shall be deemed to be true, correct and admitted by Respondent when the Board
23 determines whether to grant or deny the application. Respondent shall satisfy all requirements
24 applicable to that license as of the date the application is submitted to the Board, including, but
25 not limited to certification by a nationally recognized body prior to the issuance of a new license.
26 Respondent is required to report this surrender as disciplinary action.

27 6. Respondent shall pay the Board its costs of investigation and enforcement in the
28 amount of \$3,332 prior to issuance of a new license.

1 7. If Respondent should ever apply or reapply for a new license or certification, or
2 petition for reinstatement of a license, by any other health care licensing agency in the State of
3 California, all of the charges and allegations contained in Accusation, No. 4691 shall be deemed
4 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
5 other proceeding seeking to deny or restrict licensure.

6 **ACCEPTANCE**

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


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14 DATED: 09/23/15



AVEDIS KOUYOUMDJIAN
Respondent

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17 I have read and fully discussed with my client the terms and conditions and other matters
18 contained in this Stipulated Surrender of License and Order. I approve its form and content.

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21 DATED: 10/01/2015



TONY J. PARK
California Pharmacy Lawyers
Attorney for Respondent

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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: October 12, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General



MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

LA2013509857

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Attorneys for Complainant

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BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
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10 In the Matter of the Accusation Against:

Case No. 4691

11 **AVEDIS KOUYOUMDJIAN**
12 2912 Canada Blvd.
Glendale, CA 91208

A C C U S A T I O N

(Gov. Code, § 11503.)

13 **Pharmacy Technician Registration No.**
14 **TCH 66161**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On November 17, 2005, the Board issued Pharmacy Technician Registration Number
22 TCH 66161 to Respondent Avedis Kouyoumdjian. The registration was in full force and effect at
23 all times relevant to the charges brought herein and will expire on June 30, 2015 unless it is
24 renewed.

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JURISDICTION

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

4. Code section 4300 provides that every license issued by the Board may be revoked or suspended and that proceedings to discipline a license are to be conducted according to the Administrative Procedure Act (Gov. Code, §§ 11370, *et seq.*).

5. Code section 4300.1 provides that the "expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

STATUTES

6. Section 4301 of the Code states, in relevant 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.

...

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

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

(p) Actions or conduct that would have warranted denial of a license.

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1 **DRUG STATUTES**

2 7. Section 4022 of the Code states:

3 'Dangerous drug' or 'dangerous device' means any drug or device unsafe for
4 self-use in humans or animals, and includes the following:

5 (a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing
6 without prescription,' 'Rx only,' or words of similar import.

7 (b) Any device that bears the statement: 'Caution: federal law restricts this
8 device to sale by or on the order of a _____,' 'Rx only,' or words of similar import, the
9 blank to be filled in with the designation of the practitioner licensed to use or order
10 use of the device.

11 (c) Any other drug or device that by federal or state law can be lawfully
12 dispensed only on prescription or furnished pursuant to Section 4006.

13 8. Section 4059 of the Code states in relevant part:

14 (a) A person may not furnish any dangerous drug, except upon the prescription
15 of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
16 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
17 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
18 naturopathic doctor pursuant to Section 3640.7...

19 **REGULATIONS**

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

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

28 **COST RECOVERY**

10. Section 125.3 of the Code states, in pertinent part, 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.

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1 **DRUG CLASSIFICATIONS**

2 11. Kaletra is a brand name for the drug combination lopinavir and ritonavir. Lopinavir
3 and ritonavir are protease inhibitors that prevent replication of the human immunodeficiency
4 virus in infected patients.

5 12. Revatio is a brand name for sildenafil. Sildenafil is indicated for Pulmonary Arterial
6 Hypertension.

7 13. Reyataz is a brand name for atazanavir. Atazanavir is a protease inhibitor indicated
8 for HIV-positive patients.

9 14. Sustiva is a brand name for efavirenz. Efavirenz is a non-nucleoside reverse
10 transcriptase inhibitor that prevents HIV replication in infected patients.

11 15. Truvada is a brand name for emtricitabine and tenofovir disoproxil fumarate. Truvada
12 is used to treat HIV and may be used as an HIV pre-exposure prophylaxis for adults at high risk
13 of acquiring HIV.

14 16. Xeloda is a brand name for capecitabine. Capecitabine is indicated for colorectal and
15 breast cancers.

16 17. The drugs described in paragraphs 11–16 are classified as dangerous drugs and are
17 available only by prescription. (Bus. & Prof. Code, § 4022.)

18 **STATEMENT OF FACTS**

19 18. CVS Pharmacy in Glendale employed Respondent as a Pharmacy Technician from
20 2003 to at least April 29, 2008.

21 19. At 10:00 p.m. on Friday, April 25, 2008, Respondent walked through CVS Pharmacy
22 and selected bottles of Kaletra, Revatio, Reyataz, Sustiva, Truvada and Xeloda. The drugs were
23 worth \$23,426. Respondent placed the bottles in a basket before transferring them to his pockets.
24 He then left the pharmacy without paying for the drugs.

25 20. On Tuesday, April 29, 2008, a CVS Regional Loss Prevention Manager confronted
26 Respondent about the previous Friday's theft. He told Respondent that the drugs he'd taken were
27 worth over \$23,000. Respondent said, "Now I feel really bad because I have been selling them for
28 nothing. The guy I have been selling them to has taken advantage of me." Respondent admitted

1 that he had been stealing medications from the pharmacy and selling them at a rate of about two
2 times per month for at least a year.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, Deceit and Corruption)**

5 21. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
6 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
7 conduct because he committed an act involving dishonesty, fraud, deceit and corruption.

8 Complainant realleges paragraphs 11-20.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Violate Drug Statutes)**

11 22. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
12 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
13 conduct because he violated statutes regulating dangerous drugs. In particular, Respondent
14 violated section 4059, which prohibits the furnishing of dangerous drugs except upon a valid
15 prescription. Complainant realleges paragraphs 11-20.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violate Pharmacy Law)**

18 23. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
19 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
20 conduct because he violated provisions of the Pharmacy Law (Bus. & Prof. Code, §§ 2700, *et*
21 *seq.*). Complainant realleges paragraphs 11-22.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Conduct that Would Have Warranted License Denial)**

24 24. Respondent is subject to disciplinary action under Code section 4301, subdivision (p),
25 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
26 conduct because he committed acts that would have warranted denial of a license. Complainant
27 realleges paragraphs 11-23.

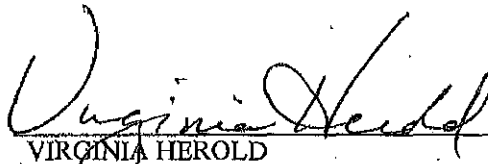
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PRAYER

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 66161, issued to Avedis Kouyoumdjian;
2. Ordering Avedis Kouyoumdjian 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/31/15


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

LA2013509857