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

In the Matter of the Accusation Against:
ZAREH BOIADJIAN
448 W. Windsor Rd. # 10
Glendale, CA 91204
Pharmacy Technician Registration No. TCH
43136
Respondent.

Case No. 5081

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 10, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5081 against Zareh Boiadjian (Respondent) before the Board of Pharmacy. (Accusation attached as **Exhibit A.**)
2. On or about November 26, 2002, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 43136 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5081 and will expire on April 30, 2016, unless renewed.
3. On or about August 19, 2015, Respondent was served by Certified and First Class

1 Mail copies of the Accusation No. 5081, Statement to Respondent, Notice of Defense, Request
2 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
3 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
4 section 4100, is required to be reported and maintained with the Board. Respondent's address of
5 record was and is: 448 W. Windsor Rd. # 10, Glendale, CA 91204.

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

9 5. On or about September 21, 2015, the certified mailing (referenced in paragraph 3)
10 was returned by the U.S. Postal Service marked "Unclaimed."

11 6. Government Code section 11506 states, in pertinent part:

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
19 5081.

20 8. California Government Code section 11520 states, in pertinent part:

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 5081, finds that
the charges and allegations in Accusation No. 5081, are separately and severally, found to be true
and correct by clear and convincing evidence.

1 Code on the grounds of unprofessional conduct in that he violated state laws and regulations
2 governing pharmacy when he furnished Tramadol, a dangerous drug in violation of section 4059
3 of the Code. The conduct is described in more particularity in paragraph 3, subdivision (a) above,
4 inclusive and hereby incorporated by reference.

5 c. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the
6 Code on the grounds of unprofessional conduct in that he violated provisions of Pharmacy Law.
7 The violations are described in more particularity in paragraph 3, subdivisions (a) and (b) above,
8 inclusive and hereby incorporated by reference.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 43136, heretofore issued to Respondent Zareh Boiadjian, 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 January 8, 2016.

It is so ORDERED December 9, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

61745338.DOC
DOJ Matter ID:LA2014511075

Attachment:
Exhibit A: Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KATHERINE MESSANA
Deputy Attorney General
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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**

12 In the Matter of the Accusation Against:

Case No. 5081

13 **ZAREH BOIADJIAN**

14 448 W. Windsor Rd. # 10
Glendale, CA 91204

15 Pharmacy Technician Registration No. TCH
43136

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 26, 2002, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 43136 to Zareh Boiadjian (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and will
25 expire on April 30, 2014, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

27 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code ("Code") unless otherwise indicated.

2 4. Section 4300 of the Code provides (in summary) that every license issued by the
3 Board is subject to discipline, including suspension or revocation.

4 5. Section 4301 of the Code states in pertinent part:

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

9 ...

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

13 ...

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

16 ...

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

22 6. Section 4059 of the Code states in pertinent part:

23 "(a) A person may not furnish any dangerous drug, except upon the
24 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
25 naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
26 dangerous device, except upon the prescription of a physician, dentist, podiatrist,
27 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

28 COST RECOVERY

7. Section 125.3 of the Code states, in pertinent part, that the Board may request the
administrative law judge to direct a licensee 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.

FACTUAL BACKGROUND

8. On or about January 31, 2013, the Pharmacy Coordinator at Ralph's Grocery Store, in
Los Angeles, CA ("Ralph's") contacted the Loss Prevention Manager regarding missing

1 Tramadol¹ tablets. The Pharmacy Coordinator discovered that Respondent made multiple balance
2 on hand changes to Tramadol dating back to June 14, 2012. The Pharmacy Coordinator
3 conducted an inventory of Tramadol on February 13, 2013. During the course of the inventory,
4 the Pharmacy Coordinator discovered that a bottle of Tramadol disappeared. The Loss Prevention
5 Manager interviewed Respondent and Respondent initially denied taking the medication from the
6 pharmacy. A search of Respondent's vehicle revealed the missing bottle of Tramadol.
7 Respondent then admitted to stealing the drug for his wife, who had suffered a broken leg three
8 years earlier. He admitted that he used to buy Tramadol but began stealing the medication after
9 the price increased. Respondent admitted that he took the bottle of Tramadol to his vehicle during
10 his break. On February 23, 2013, Respondent was terminated from Ralph's.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct: Act Involving Dishonesty, Fraud or Deceit)**

13 9. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
14 Code on the grounds of unprofessional conduct in that Respondent committed an act involving
15 moral turpitude, dishonesty, fraud, deceit, or corruption. The conduct is described in more
16 particularity in paragraph 8 above, inclusive and hereby incorporated by reference.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct: Violation of Statutes Regulating Dangerous Drugs)**

19 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
20 Code on the grounds of unprofessional conduct in that he violated state laws and regulations
21 governing pharmacy when he furnished Tramadol, a dangerous drug in violation of section 4059 of
22 the Code. The conduct is described in more particularity in paragraph 8 above, inclusive and
23 hereby incorporated by reference.

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27 ¹ "Tramadol," is the generic name for Ultram, an effective pain reliever (analgesic) and is
28 categorized as a dangerous drug pursuant to section 4022.

