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		RE THE
		PHARMACY CONSUMER AFFAIRS
		CALIFORNIA
	In the Matter of the Accusation Against:	Case No. 5098
		OAH No. 2015020463
	TAGUI KALADZHYAN 1717 N. Mariposa Ave., #A	DEFAULT DECISION AND ORDER
	Los Angeles, CA 90027 Pharmacist Technician Registration No.	[Gov. Code, §11520]
	TCH 55453	[007. 000, §11520]
	Despondent	
	Respondent.	
	EININIAG	S OF FACT
		<u>SOFFACT</u>
	-	mplainant Virginia K. Herold, in her official
	capacity as the Executive Officer of the Board of	
	filed Accusation No. 5098 against Tagui Kaladzh	iyan (Respondent) before the Board of
	Pharmacy. (Accusation attached as Exhibit A.)	
		d of Pharmacy (Board) issued Pharmacist
	Technician Registration No. TCH 55453 to Resp	_
	was in full force and effect at all times relevant to	
	and will expire on October 31, 2015, unless rene	wed.
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1	3. On or about September 23, 2014, Respondent was served by Certified and First Class				
2	Mail copies of the Accusation No. 5098, Statement to Respondent, Notice of Defense, Request				
3	for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and				
4	11507.7) at Respondent's address of record which, pursuant to Business and Professions Code				
5	section 4100, is required to be reported and maintained with the Board. Respondent's address of				
6	record was and is:				
7	1717 N. Mariposa Ave., #A				
8	Los Angeles, CA 90027.				
9	4. Service of the Accusation was effective as a matter of law under the provisions of				
10	Government Code section 11505, subdivision (c) and/or Business & Professions Code section				
11	124.				
12	5. On or about September 28, 2014, Respondent signed and returned a Notice of				
13	Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at				
14	Respondent's address of record and at the address Respondent listed on her Notice of Defense.				
15	The Notice of Hearing informed her that an administrative hearing in this matter was scheduled				
16	for July 16, 2015. Respondent failed to appear at that hearing.				
17	6. Government Code section 11506 states, in pertinent part:				
18	(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts				
19	of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion				
20	may nevertheless grant a hearing.				
21	7. California Government Code section 11520 states, in pertinent part:				
22	(a) If the respondent either fails to file a notice of defense or to appear at the 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 respondent.				
24	Tespondent.				
25	8. 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				
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	(TAGUI KALADZHYAN) DEFAULT DECISION & ORDER (OAH No. 2015020463)				

1	file at the Board's offices regarding the allegations contained in Accusation No. 5098, finds that			
2	the charges and allegations in Accusation No. 5098, are separately and severally, found to be true			
3	and correct by clear and convincing evidence.			
4	9. Taking official notice of its own internal records, pursuant to Business and			
5	Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation			
6	and Enforcement are \$5,212.50 as of July 15, 2015.			
7	DETERMINATION OF ISSUES			
8	1. Based on the foregoing findings of fact, Respondent Tagui Kaladzhyan has subjected			
9	her Pharmacist Technician Registration No. TCH 55453 to discipline.			
10	2. The agency has jurisdiction to adjudicate this case by default.			
11	3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist Technician			
12	Registration based upon the following violations alleged in the Accusation which are supported			
13	by the evidence contained in the Default Decision Evidence Packet in this case:			
14	a. Respondent is subject to disciplinary action under Business and Professions Code			
15	sections 490 and 4301, subdivision (1), in conjunction with California Code of Regulations, title			
16	16, section 1770, on the grounds of unprofessional conduct, in that she was convicted of one			
17	felony count of the substantially related crime of grand theft.			
18	b. Respondent is subject to disciplinary action under Business and Professions Code			
19	section 4301, subdivision (f), on the grounds of unprofessional conduct, in that she committed			
20	acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.			
21	c. Respondent is subject to disciplinary action under section 4301, in that Respondent			
22	committed acts of unprofessional conduct.			
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	(TAGUI KALADZHYAN) DEFAULT DECISION & ORDER (OAH No. 2015020463)			

1	ORDER				
2	IT IS SO ORDERED that Pharmacist Technician Registration No. TCH 55453, heretofore				
3	issued to Respondent Tagui Kaladzhyan, is revoked.				
4	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a				
5	written motion requesting that the Decision be vacated and stating the grounds relied on within				
6	seven (7) days after service of the Decision on Respondent. The agency in its discretion may				
7	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.				
8	This Decision shall become effective on September 18, 2015.				
9	It is so ORDERED August 19, 2015.				
10 11	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA				
12	STATE OF CALIFORNIA				
13	Aghcfortin				
14					
15	ByAmy Gutierrez, Pharm.D.				
16	Board President				
17 18	51836490.DOC DOJ Matter ID:LA2014511237				
19	Attachment:				
20	Exhibit A: Accusation				
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Exhibit A

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(° .	1	KAMALA D. HARRIS Attorney General of California		
	2	GREGORY J. SALUTE Supervising Deputy Attorney General M. TRAVIS PEERY		
	4	Deputy Attorney General State Bar No. 261887		
	5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-0962 Facsimile: (213) 897-2804	······	
	7	Attorneys for Complainant		
	8	8 BEFORE THE BOARD OF PHARMACY		
	9 10	DEPARTMENT OF CONS STATE OF CALL	UMER AFFAIRS	
	11	In the Matter of the Accusation Against:	Case No. 5098	
	12	TAGUI KALADZHYAN 1717 N. Mariposa Ave., #A		
	13 14	Los Angeles, CA 90027	ACCUSATION	
(15	Pharmacist Technician Registration No. TCH 55453 Respondent.		
	16	Complainant alleges:	J	
	17	PARTIES		
	18	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
	19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board),		
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	23	23 October 31, 2015, unless renewed.		
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	25	3. This Accusation is brought before the Board, under the authority of the following		
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1	28	revoked."	A second and at the second and	
C		1		
			Accusation	
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Section 4300.1 states:

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"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."

STATUTORY PROVISIONS

8 6. Section 490 provides that a board may suspend or revoke a license on the ground that
9 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
10 duties of the business or profession for which the license was issued.

7. Section 4301 states, in pertinent part:

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

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

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The conviction of a crime substantially related to the qualifications, functions, and 20"(])duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 21 (commencing with Section 801) of Title 21 of the United States Code regulating controlled 22 substances or of a violation of the statutes of this state regulating controlled substances or 23 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 24 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 25 The board may inquire into the circumstances surrounding the commission of the crime, in order 26 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or 27dangerous drugs, to determine if the convlction is of an offense substantially related to the 28

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qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo 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

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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 14 licensee or registrant to perform the functions authorized by his license or registration in a manner 15 consistent with the public health, safety, or welfare." 16

COST RECOVERY

9. Section 125.3 provides that the Board may request the administrative law judge to 18 direct a licentiate found to have committed a violation or violations of the licensing act to pay a 19 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with 20failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a 21 22 case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement. 23

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FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent committed a crime substantially related to the qualifications, functions or duties of a registrant which to a substantial degree evidences his present or potential unfitness to perform the functions authorized by his registration in a manner consistent with the public health, safety, or welfare, as follows:

On or about September 23, 2013, after pleading guilty to Count 2 of the felony 9 a. complaint, Respondent was convicted of one felony count of violating Penal Code section 487(a) 10 [grand theft] in the criminal proceeding entitled The People of the State of California v. Tagui 11 Kaladzhyan (Super. Ct. L.A. County, 2013, No. BA413367). The Court placed Respondent on 12 five (5) years probation, ordered him to complete 350 hours community service, and ordered him 13 to pay \$22,474.00 victim restitution: \$18,605.00 to California Department of Education and 14 \$3,872.00 to Department of Public Social Services. Count 1 of the felony complaint, which 15 charged Respondent with receiving \$3,872.00 in unentitled child care aid from the California 16 Department of Public Social Services, was dismissed. However, the court included that sum in 17 the victim restitution order. 18

b. The circumstances underlying the conviction are that on and between October 1,
2011, and February 28, 2013, Respondent received unentitled child care aid in the approximate
amount of \$18,605,00 from the California Department of Education.

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SECOND CAUSE FOR DISCIPLINE

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

11. Respondent is subject to disciplinary action under section 4301, subdivision (f), on
the grounds of unprofessional conduct, in that Respondent committed acts 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.

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THIRD CAUSE FOR DISCIPLINE						
(Unprofessional Conduct)						
12. Respondent is subject to disciplinary action under section 4301, in that Respondent						
committed acts of unprofessional conduct. Complainant refers to and by this reference						
incorporates the allegations set forth above in paragraphs 10 through 11, inclusive, as though set						
forth fully.						
PRAYER						
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 Pharmacist Technician Registration No. TCH 55453, issued						
to Tagui Kaladzhyan;						
2. Ordering Tagui Kaladzhyan to pay the Board the reasonable costs of the investigation						
and enforcement of this case, pursuant to section 125.3; and						
3. Taking such other and further action as deemed necessary and proper.						
DATED: 9/14/14 Dugina Herdd						
VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California <i>Complainant</i>						
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