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

11 In the Matter of the Accusation Against:

Case No. 3353

12 **VERMONT PHARMACY & MEDICAL**
13 **SUPPLIES; HAKOP DEMIRCHYAN, Owner**
14 **TRINIDAD M. BAGOYO, Pharmacist-in-Charge**
1012 N. Vermont Ave.
Los Angeles, CA 90029
15 6320 Laurel Canyon Blvd.
16 North Hollywood, CA 91606
Retail Pharmacy License No. 48275,

OAH No. L-2009040779

17 **TRINIDAD M. BAGOYO**
18 30572 Sparrow Hawk
Canyon Lake, CA 92587
19 Registered Pharmacist License No. 22293,

ACCUSATION

20 **NARINE ARUTUNYAN**
10842 Keswick St.
21 Sun Valley, CA 91352
22 323 W. Jackson St., #207
Glendale, CA 91206
23 Pharmacy Technician Registration No. 86550,

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25 Respondents.
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1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about October 30, 2006, the Board issued Retail Pharmacy License
7 Number 48275 to Vermont Pharmacy and Medical Supplies ("Respondent Vermont Pharmacy"),
8 with Hakop Demirchyan as owner, and Trinidad M. Bagoyo ("Respondent Bagoyo") as
9 Pharmacist-in-Charge. The Retail Pharmacy License was in full force and effect at all times
10 relevant to the charges brought herein and will expire on October 1, 2009, unless renewed. On or
11 about May 11, 2009, an Interim Suspension Order was issued against Respondent Vermont
12 Pharmacy, suspending it from operating as a pharmacy pending a full administrative
13 determination of the charges alleged herein. (Exhibit 1.)

14 3. On or about November 6, 1961, the Board issued Registered Pharmacist
15 License Number 22293 to Respondent Bagoyo. The Registered Pharmacist License was in full
16 force and effect at all times relevant to the charges brought herein and will expire on May 31,
17 2010, unless renewed. On or about May 5, 2009, Respondent Bagoyo signed a "Stipulated
18 Interim Suspension of License", to which she agreed that her Registered Pharmacist License was
19 temporarily suspended pending a full administrative determination of the charges alleged herein.
20 (Exhibit 2.)

21 4. On or about October 17, 2008, the Board issued Pharmacy Technician
22 Registration Number 86550 to Narine Arutunyan ("Respondent Arutunyan"). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on January 31, 2010, unless renewed. On or about May 11, 2009, an
25 Interim Suspension Order was issued against Respondent Arutunyan, suspending her from
26 practice pending a full administrative determination of the charges alleged herein. (Exhibit 1.)

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1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 6. Code section 4300, subdivision (a) states:

7 "Every license issued may be suspended or revoked."

8 7. Code section 4110, subdivision (a) states:

9 "No person shall conduct a pharmacy in the State of California unless he or she
10 has obtained a license from the board. A license shall be required for each pharmacy owned or
11 operated by a specific person. A separate license shall be required for each of the premises of
12 any person operating a pharmacy in more than one location. The license shall be renewed
13 annually. The board may, by regulation, determine the circumstances under which a license may
14 be transferred."

15 8. Code section 4105, subdivision (a) states:

16 "All records or other documentation of the acquisition and disposition of
17 dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on
18 the licensed premises in a readily retrievable form."

19 9. Code section 4201, subdivision (f) states:

20 "Notwithstanding any other provision of law, the pharmacy license shall authorize
21 the holder to conduct a pharmacy. The license shall be renewed annually and shall not be
22 transferrable."

23 10. Code section 4301 states:

24 "The board shall take action against any holder of a license who is guilty of
25 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
26 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
27 following:
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"(c) Gross negligence.

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"(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."

COST RECOVERY

11. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . 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."

FIRST CAUSE FOR DISCIPLINE

(Unlicensed Activities)

12. Respondents Vermont Pharmacy, Bagoyo and Arutunyan are subject to disciplinary action under Code section 4301, subdivision (o), for violating Code sections 4110, subdivision (a) and 4201, subdivision (f), in that Respondents operated Respondent Vermont Pharmacy without a valid permit, and relocated the pharmacy without Board approval. The circumstances are as follows:

a. On or about November 7, 2008, the Board received a Community Pharmacy Permit Application ("Application") and related documents for change of ownership of Respondent Vermont Pharmacy. The proposed new owner/buyer/president is Armen Grigorian ("Applicant Grigorian"), with Respondent Bagoyo as the Pharmacist-in-Charge, and Respondent Arutunyan as the secretary and co-owner. Pending issuance of a new permit, from about September, 2008 to February, 2009, Applicant Grigorian, Respondent Bagoyo and/or Respondent Arutunyan ordered and dispensed drugs under the former owner's permit. The corporate and

1 financial documents Applicant Grigorian submitted show that the sale of Respondent Vermont
2 Pharmacy had already occurred in October, 2008, and Respondents had been operating
3 Respondent Vermont Pharmacy without Board approval.

4 b. On or about March 4, 2009, the Board received additional documents from
5 Applicant Grigorian, including a new Community Pharmacy Permit Application and related
6 documents, all signed on February 18, 2009, requesting a change of location of Respondent
7 Vermont Pharmacy from 1012 N. Vermont Ave., Los Angeles, CA 90029 to 6320 Laurel
8 Canyon Blvd., North Hollywood, CA 91606. Pending Board approval of the change of location,
9 Respondents had already relocated Respondent Vermont Pharmacy to North Hollywood as of
10 about January, 2009.

11 c. On or about March 26, 2009, the Board conducted an inspection of
12 Respondent Vermont Pharmacy at its new location, 6320 Laurel Canyon Blvd., North
13 Hollywood, CA 91606. Applicant Grigorian informed the inspectors that he purchased the
14 pharmacy in September, 2008 and took over the business on October 1, 2008.

15 SECOND CAUSE FOR DISCIPLINE

16 (Failure to Maintain Pharmacy Records on Licensed Premise)

17 13. Respondents Vermont Pharmacy, Bagoyo and Arutunyan are subject to
18 disciplinary action under Code section 4301, subdivision (o) for violating Code section 4105,
19 subdivision (a), in that during the Board inspection on March 26, 2009, pharmacy records were
20 found on the unlicensed premise in North Hollywood.

21 THIRD CAUSE FOR DISCIPLINE

22 (Gross Negligence)

23 14. Respondent Bagoyo is subject to disciplinary action under Code section
24 4301, subdivision (c) for gross negligence, the circumstances are as follows:

25 a. On March 26, 2009, during the inspection of the unlicensed premise in
26 North Hollywood, Respondent Bagoyo informed Board inspectors that she knew the pharmacy
27 moved, that she inventoried and packed the drugs but she did not know where the drugs or
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1 pharmacy records were.

2 b. From about September, 2008 to February, 2009, Respondent Bagoyo as
3 Pharmacist-in-Charge, dispensed, ordered drugs and/or otherwise operated or allowed
4 Respondent Vermont Pharmacy to operate without a valid permit.

5 c. In about January, 2009, Respondent Bagoyo as Pharmacist-in-Charge,
6 assisted and/or allowed Respondent Vermont Pharmacy to be relocated without Board approval.

7 **PRAYER**

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

10 1. Revoking or suspending Retail Pharmacy License Number 48275, issued
11 to Vermont Pharmacy and Medical Supplies; Trinidad M. Bagoyo, Pharmacist-in-Charge;


12 2. Revoking or suspending Registered Pharmacy License Number 22293,
13 issued to Trinidad M. Bagoyo;

14 3. Revoking or suspending Pharmacy Technician Registration number 86550,
15 issued to Narine Arutunyan;

16 4. Order Vermont Pharmacy and Medical Supplies, Trinidad M. Bagoyo and
17 Narinen Arutunyan to pay the Board of Pharmacy the reasonable costs of the investigation and
18 enforcement of this case, pursuant to Business and Professions Code section 125.3;

19 5. Taking such other and further action as deemed necessary and proper.

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21 DATED: 5-11-09

22 
23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

26 Attachments:
27 Exhibit 1 (Order Granting Interim Suspension)
28 Exhibit 2 (Stipulated Interim Suspension of License)
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