

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HELENE E. SWANSON
Deputy Attorney General
4 State Bar No. 130426
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-3005
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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. 3538

13 **PETROS HANNESYAN**
14 **2745 N. Myers Street**
15 **Burbank, CA 91504**

A C C U S A T I O N

16 **Pharmacy Technician License No. TCH**
17 **68925**

Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about May 1, 2006, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 68925 to Petros Hannesyman (Respondent). The Pharmacy Technician
24 License was in full force and effect at all times relevant to the charges brought herein, expired on
25 May 31, 2010, and has not been renewed.

26 //

27 //

28 //

JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 118, subdivision (b) states:

6 “The suspension, expiration, or forfeiture by operation of law of a license
7 issued by a board in the department, or its suspension, forfeiture, or cancellation by
8 order of the board or by order of a court of law, or its surrender without the written
9 consent of the board, shall not, during any period in which it may be renewed,
10 restored, reissued, or reinstated, deprive the board of its authority to institute or
11 continue a disciplinary proceeding against the licensee upon any ground provided by
12 law or to enter an order suspending or revoking the license or otherwise taking
13 disciplinary action against the licensee on any such ground.”

STATUTORY PROVISIONS

11 5. Section 490 states:

12 “[A] Board may suspend or revoke a license on the ground that the
13 licensee has been convicted of a crime, if the crime is substantially related to the
14 qualifications, functions, or duties of the business or profession for which the license
15 was issued.

15 * * *

16 (c) A conviction within the meaning of this section means a plea or
17 verdict of guilty or a conviction following a plea of nolo contendere. Any action that
18 a board is permitted to take following the establishment of a conviction may be taken
19 when the time for appeal has elapsed, or the judgment of conviction has been
20 affirmed on appeal, or when an order granting probation is made suspending the
21 imposition of sentence, irrespective of a subsequent order under provisions of Section
22 1203.4 of the Penal Code.”

20 6. Section 493 states:

21 “Notwithstanding any other provision of law, in a proceeding conducted
22 by a board within the department pursuant to law to deny an application for a license
23 or to suspend or revoke a license or otherwise take disciplinary action against a
24 person who holds a license, upon the ground that the applicant or the licensee has
25 been convicted of a crime substantially related to the qualifications, functions, or
26 duties of the licensee in question, the record of conviction of the crime shall be
27 conclusive evidence of the fact that the conviction occurred, but only of that fact, and
28 the board may inquire into the circumstances surrounding the commission of the
crime in order to fix the degree of discipline or to determine if the conviction is
substantially related to the qualifications, functions, and duties of the licensee in
question.”

27 //

28 //

1 7. Section 4300 of the Code provides, in pertinent part, that every license issued by the
2 Board is subject to discipline, including suspension or revocation, that the Board in its discretion
3 may deem proper.

4 8. Section 4301 of the Code states:

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 of any of the other
15 states, or of the United States regulating controlled substances and dangerous drugs.

16 * * *

17 (k) The conviction of more than one misdemeanor or any felony
18 involving the use, consumption, or self-administration of any dangerous drug or
19 alcoholic beverage, or any combination of those substances.

20 * * *

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

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

27 9. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
28 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, or
veterinarian.

 10. Section 4060 of the Code states in pertinent part, that a person may not possess any
controlled substance, except that furnished to the person upon the prescription of a physician,
dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor or furnished pursuant to a drug
order issued by a certified nurse-midwife, a nurse practitioner, or a physician assistant.

//

1 11. California Code of Regulations, title 16, section 1770, states:

2 For the purposes of denial, suspension, or revocation of a personal or
3 facility license pursuant to Division 1.5 (commencing with Section 475) of the
4 Business and Professions Code, a crime or act shall be considered substantially
5 related to the qualifications, functions or duties of a licensee or registrant if to a
6 substantial degree it evidences present or potential unfitness of a licensee or registrant
7 to perform the functions authorized by his license or registration in a manner
8 consistent with the public health, safety, or welfare.

6 **COST RECOVERY**

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

11 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

12 13. **“Atripla” (efavirenz + tenofovir + emtricitabine)** is an HIV medication which is a
13 combination of three drugs: Sustiva (efavirenz), Viread (tenofovir DF) and Emtriva
14 (emtricitabine). Atripla is a controlled substance and is a dangerous drug as defined in Section
15 4022.

16 14. **“Isentress” (raltegravir, MK-0518)** is an integrase inhibitor and HIV medication.
17 Isentress is a controlled substance and is a dangerous drug as defined in Section 4022.

18 15. **“Prezista” (darunvir, DRV)** is an HIV medication which must be used with low-
19 dose Norvir (ritonavir) and in combination with other HIV drugs. Prezista is a controlled
20 substance and is a dangerous drug as defined in Section 4022.

21 16. **“Reyataz” (atazanavir, ATV)** is an HIV medication which must be used in
22 combination with at least two other HIV drugs. Reyataz is a controlled substance and is a
23 dangerous drug as defined in Section 4022.

24 17. **“Truvada” (tenofovir DF & emtricitabine, TDF & FTC)** is an HIV medication and a
25 combination of two other drugs: Viread (tenofovir DF) and Emtriva (FTC). Truvada is a
26 controlled substance and is a dangerous drug as defined in Section 4022.

27 //

28 //

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction of Substantially Related Crimes)

18. Respondent is subject to disciplinary action under Sections 490, 4301, subdivision (k) of the Code, on the grounds of unprofessional conduct, as defined in California Code of regulations, title 16, section 1770 in that Respondent has been convicted of felony and misdemeanor crimes that is substantially related to the qualifications, functions or duties of a licensed pharmacist technician, as follows:

19. On or about April 9, 2010, Respondent was convicted by the Court on his plea of nolo contendere of one felony violation of Penal Code section 487, subdivision (a) (grand theft of personal property), in the Superior Court of California, County of Los Angeles, Case No. LA063140 entitled *People of the State of California v. Hannesyan Petros*. On or about May 3, 2010, the Court sentenced Respondent to formal probation for three years, to serve three years in the Los Angeles County Jail, pay fines, fees, penalties, and restitution to PX Drug Store in the amount of \$51,276.08. The circumstances surrounding the conviction are that:

a. On or between August 15, 2009 and September 15, 2009, Respondent unlawfully took money and personal property of approximately \$51,276.08, the property of his employer, PX Drug Store, located at 5160 Vineland Avenue, North Hollywood, California, while employed as a pharmacy technician with PX Drug Store. Respondent stole bottles of the following HIV medications: 7 bottles of Isentress, each containing 60 (400 mg) tablets; 7 bottles of Atripla, each containing 30 tablets; 4 bottles of Prezista each containing 60 (400 mg) tablets; 4 bottles of Truvada each containing 30 tablets; and 2 bottles of Reyataz each containing 30 (300 mg) capsules. After taking the medications from the drug store, Respondent would take a break from his job and put the medications in his vehicle.

20. On or about February 25, 2010, Respondent was convicted and found guilty by the Court on his plea of nolo contendere to one misdemeanor violation of Vehicle Code section 12500, subdivision (A) (Vehicle Code infraction), in the Superior Court of California, County of Los Angeles, Glendale Courthouse, Case No. 9GN04790 entitled *People of the State of*

1 *California v. Hannesyan Petros*. The Court ordered Respondent to pay fines and fees in the
2 amount of \$675.00. The circumstances surrounding the conviction are that:

3 a. On or about November 21, 2009, Respondent unlawfully drove a motor vehicle on a
4 highway when his driving privilege was suspended and revoked for a reason other than one listed
5 in Vehicle Code Sections 14601 and 14601.2, with knowledge of such suspension and revocation.

6 **SECOND CAUSE FOR DISCIPLINE**

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

8 21. Respondent subjected his license to discipline pursuant to Section 4301, subdivision
9 (f), by committing acts involving moral turpitude, dishonesty, fraud, deceit or corruption by
10 stealing narcotics from his employer, as set forth above in Paragraph 19, subparagraph (a).

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct/Possession of a Controlled Substance)**

13 22. Respondent subjected his license to discipline pursuant to Section 4301, subdivisions
14 (j) and (o), and 4060, for unlawfully possessing a controlled substance, as set forth above in
15 Paragraph 19, subparagraph (a).

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Committed Acts Which Would Have Warranted Denial of License)**

18 23. Respondent subjected his license to discipline pursuant to Section 4301, subdivision
19 (p) of the Code, on the grounds of unprofessional conduct, for committing acts which would have
20 warranted denial of a pharmacist technician license. Complainant refers to and incorporates all of
21 the allegations of Paragraphs 19, subparagraph (a) and 20, subparagraph (a).

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician License Number TCH 68925, issued
26 to Petros Hannesyan;

27 //

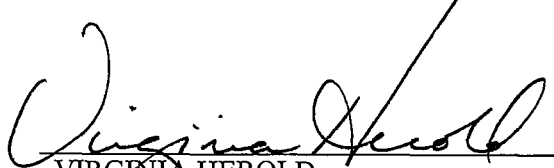
28 //

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

2. Ordering Petros Hannesyan 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: 9/29/10



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

LA2009604052
60547028.doc