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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **FARANZIM ARAKELIAN**  
**a.k.a., ARAKELYAN FARANZIM**  
13 **a.k.a., PARANZEM ARAKELYAN**  
**a.k.a., NONA MONIKER**  
14 **a.k.a., ARAKELYAN PARANZEM**  
**a.k.a., FARANZIM ARAKALYAN**  
15 **a.k.a., PANZIM ARAKELIAN**  
**a.k.a., NONA ARAKELYAN**  
16 13565 Valerio Street, Apt. #C  
Van Nuys, CA 91405  
17 Pharmacy Technician Registration  
18 No. TCH 30530  
19 Respondent.

Case No. 3792  
**A C C U S A T I O N**

20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about August 31, 1999, the Board of Pharmacy (Board) issued Pharmacy  
25 Technician Registration No. TCH 30530 to Faranzim Arakelian, also known as Arakelyan  
26 Faranzim, Paranzem Arakelyan, Nona Moniker, Arakelyan Paranzem, Faranzim Arakaylan,  
27 Panzim Arakelian, and Nona Arakelyan (Respondent). The Pharmacy Technician Registration

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1 was in full force and effect at all times relevant to the charges brought herein and will expire on  
2 November 30, 2012, unless renewed.

3 **JURISDICTION**

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

6 **STATUTORY PROVISIONS**

7 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license  
8 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period  
9 within which the license may be renewed, restored, reissued or reinstated.

10 5. Section 490 states, in pertinent part:

11 “(a) In addition to any other action that a board is permitted to take against a licensee, a  
12 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
13 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
14 or profession for which the license was issued.

15 “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
16 discipline a licensee for conviction of a crime that is independent of the authority granted under  
17 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
18 of the business or profession for which the licensee's license was issued.

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

25 6. Section 810 states, in pertinent part:

26 “(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
27 including suspension or revocation of a license or certificate, for a health care professional to do  
28 any of the following in connection with his or her professional activities:

1           “(1) Knowingly present or cause to be presented any false or fraudulent claim for the  
2 payment of a loss under a contract of insurance.

3           “(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use  
4 the same, or to allow it to be presented or used in support of any false or fraudulent claim.”

5           6. Section 4300 provides, in pertinent part, that every license issued by the Board is  
6 subject to discipline, including suspension or revocation.

7           7. Section 4301 states, in pertinent part:

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

11           ....

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

15           “(g) Knowingly making or signing any certificate or other document that falsely  
16 represents the existence or nonexistence of a state of facts.”

17           ....

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

1 of this provision. The board may take action when the time for appeal has elapsed, or the  
2 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
6 indictment.”

### 7 REGULATORY PROVISIONS

8 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

### 15 COST RECOVERY

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

### 20 FIRST CAUSE FOR DISCIPLINE

#### 21 *(Convictions of Substantially Related Crimes)*

22 10. Respondent is subject to disciplinary action under sections 4301, subdivision (1) and  
23 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
24 Respondent was convicted of crimes substantially related to the qualifications, functions, and  
25 duties of a pharmacy technician, as follows:

26 a. On or about December 16, 2004, after pleading guilty, Respondent was convicted of a  
27 Class C Felony on one count of violating Title 18 United States Code section 1347, 2 [health care  
28 fraud]; [aiding and abetting] in the criminal proceeding entitled *United States of America v.*

1 *Faranzim Arakelian* (U.S. Dist. Ct., Eastern Dist., No. 2:00CR00548-01). The Court sentenced  
2 Respondent to 37 months in Bureau of Prisons, ordered her to pay restitution in the amount of  
3 \$540,000, and placed her on 36 months of supervised release, with terms and conditions. The  
4 circumstances surrounding the conviction are that from in or about June 1998 to in or about April  
5 2000, Respondent knowingly and willfully executed and attempted to execute a scheme and  
6 artifice to defraud a health care benefit program. She provided fictitious prescriptions to another  
7 who falsely billed, and caused to be billed to the State of California, Department of Health  
8 Services, and the Medi-Cal Program for certain named durable medical equipment and related  
9 medical supplies allegedly billed by physicians. In addition, Respondent provided false  
10 prescriptions to a medical supply company in the Medi-Cal Program, so they could justify false  
11 billings to Medi-Cal.

12 b. On or about August 8, 2003, after pleading guilty, Respondent was convicted of one  
13 felony count of violating Penal Code section 182, subdivision (a)(1) [conspiracy to commit grand  
14 theft] and one felony count of Penal Code section 487, subdivision (d) [grand theft auto] in the  
15 criminal proceeding entitled *The People of the State of California v. Paranzem Arakeyan* (Super.  
16 Ct. Los Angeles County, 2003, No. BA245159). The Court sentenced Respondent to 4 years in  
17 State Prison, ordered her to pay restitution in the amount of \$97,000, and denied probation. The  
18 circumstances surrounding the conviction are that on and between April 1, 2002 and December 1,  
19 2002, Respondent unlawfully conspired with another to commit grand theft auto and identity  
20 theft. In addition, on or about June 11, 2002, Respondent unlawfully took an automobile, to wit:  
21 2002 Volvo C-70.

22 c. On or about March 4, 2003, after pleading guilty, Respondent was convicted of one  
23 felony count of violating Penal Code section 470, subdivision (d) [forgery] in the criminal  
24 proceeding entitled *The People of the State of California v. Faranzim Arakelian* (Super. Ct. Los  
25 Angeles County, 2003, No. VA074023). The Court sentenced Respondent to 16 months in State  
26 Prison and denied probation. The circumstances surrounding the conviction are that on or about  
27 September 30 2002, Respondent fraudulently altered, forged, or counterfeited, uttered, published,

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1 passed or attempted or offered to pass, as true and genuine, knowing the same to be false, an  
2 altered, forged, or counterfeited check.

3 d. On or about October 29, 2002, after pleading guilty, Respondent was convicted of  
4 one felony count of violating Penal Code section 487, subdivision (a) [grand theft: property over  
5 \$400] in the criminal proceeding entitled *The People of the State of California v. Paranzem*  
6 *Arakelyan* (Super. Ct. Los Angeles County, 2002, No. LA038998). The Court sentenced  
7 Respondent to 200 days in Los Angeles County Jail and placed him on 3 years formal probation,  
8 with terms and conditions. On or about March 27, 2003, the Court revoked Respondent's  
9 probation and sentenced her to 16 months in State Prison for violating the terms and conditions of  
10 probation. The circumstances surrounding the conviction are that on or about July 18, 2001,  
11 Respondent presented a stolen check to the victim as payment for jewelry. The check was a Bank  
12 of America check #1143, Account #0694830995, in the name of Anilam K. and Narindar S.,  
13 made payable to H.H.Z. Gem Jewelry, in the amount of \$12,000.

14 **SECOND CAUSE FOR DISCIPLINE**

15 *(Dishonest Acts, Fraud, or Deceit)*

16 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
17 that Respondent committed dishonest acts, fraud, or deceit. Complainant refers to, and by this  
18 reference incorporates, the allegations set forth above in paragraph 10, subdivisions (a) through  
19 (d), inclusive, as though set forth fully.

20 **THIRD CAUSE FOR DISCIPLINE**

21 *(Insurance Fraud)*

22 12. Respondent is subject to disciplinary action under sections 4301, subdivision (g) and  
23 810, subdivision (a)(2), in that Respondent knowingly prepared a certificate or other document  
24 that falsely represents the existence or nonexistence of a state of facts, with the intent to present  
25 or use the same, or to allow it to be presented or used in support of a false or fraudulent claim.  
26 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
27 paragraph 10, subdivision (a), as though set forth fully.

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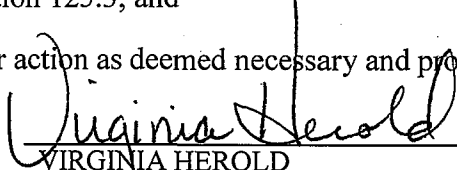
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PRAYER

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 No. TCH 30530, issued to Respondent;
2. Ordering Respondent 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: 5/27/11

  
\_\_\_\_\_  
VIRGINIA HEROLD

Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

LA201060082