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

11 In the Matter of the Accusation Against:
12
13 **DAVID HAYRAPETIAN**
2031 W. Krystal Avenue
14 **Lancaster, CA 93536**
15
16 Original Pharmacy Technician Registration
Number TCH 60049
17
Respondent.

Case No. 3818

A C C U S A T I O N

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19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about December 8, 2004, the Board of Pharmacy (Board) issued Original
24 Pharmacy Technician Registration Number TCH 60049 to David Hayrapetian (Respondent). The
25 license was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2012, unless renewed.

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1 **JURISDICTION**

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

4 **STATUTORY PROVISIONS**

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

8 5. Section 490 states:

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

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

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

23 6. Section 4300 states that “[e]very license issued may be suspended or revoked.”

24 7. Section 4301 states, in pertinent part:

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

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1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare.”

3 **COST RECOVERY**

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Substantially Related Crime)**

10 10. Respondent is subject to disciplinary action under sections 4301, subdivision (I) and
11 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
12 Respondent was convicted of a crime that was substantially related to the qualifications, functions
13 or duties of a pharmacy technician as follows:

14 a. On or about March 11, 2010, Respondent was convicted by a jury of one
15 misdemeanor count of violating Penal Code section 243.4, subdivision (e)(1) [sexual battery], in
16 the criminal proceeding entitled *The People of the State of California v. David Hayrapetian*
17 (Super. Ct. Los Angeles County, 2009, No. 9GN00836). On or about June 17, 2010 Respondent
18 was sentenced to 30 days in the Los Angeles County Jail, placed on 3 years probation, ordered to
19 complete 40 hours of community service, required to enroll and complete a one year Sexual
20 Impulse class, register as a sex offender, and ordered to pay fines.

21 b. The circumstances surrounding the conviction are that on or about February 17, 2009,
22 Glendale Police Officers were dispatched to a reported sexual battery in the city of Glendale,
23 California. The officers interviewed the female victim who identified Respondent Hayrapetian as
24 the person who followed her on the street, grabbed her buttock and breasts, and ran away. On or
25 about March 6, 2009, Respondent was arrested by Glendale Officers for an outstanding warrant
26 for sexual battery. Subsequently, Respondent was convicted of violating Penal Code section
27 243.4, subdivision (e)(1) [sexual battery].

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1 SECOND CAUSE FOR DISCIPLINE

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

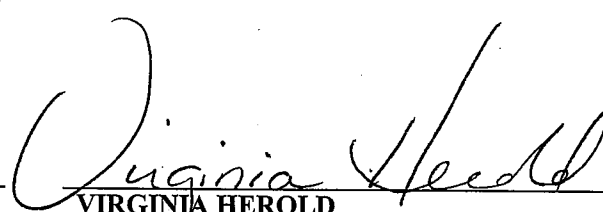
3 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
4 that on or about March 11, 2010, Respondent committed an act involving moral turpitude,
5 dishonesty, fraud, deceit, or corruption. Complainant refers to, and by reference incorporates,
6 allegations set forth above in paragraph 10, subparagraphs (a) and (b), as though set forth fully.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician No. TCH 60049, issued to Respondent
11 David Hayrapetian;
- 12 2. Ordering Respondent David Hayrapetian to pay the Board the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 5/9/11


19 VIRGINIA HEROLD

20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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