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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4054

11 **DAVID KARAPETYAN**  
12 580 W. Stocker St., #10  
Glendale, CA 91202

**A C C U S A T I O N**

13 Pharmacy Technician Registration No. TCH  
14 47089

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 14, 2003, the Board issued Pharmacy Technician Registration  
22 No. TCH 47089 to David Karapetyan (Respondent). The Pharmacy Technician Registration was  
23 in full force and effect at all times relevant to the charges brought herein and expired on May 31,  
24 2012.

25 **JURISDICTION**

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

28 ///

**STATUTORY PROVISIONS**

1  
2       4.     Section 118, subdivision (b), provides that the suspension, expiration, surrender, or  
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
4 action during the period within which the license may be renewed, restored, reissued or  
5 reinstated.

6       5.     Section 490 states, pertinent part:

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

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

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

21       6.     Section 4060 states:

22       "No person shall possess any controlled substance, except that furnished to a person upon  
23 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
24 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
25 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
26 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
27 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
28 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not

1 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
2 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
3 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
4 labeled with the name and address of the supplier or producer.

5 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
6 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
7 devices."

8 7. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
9 revoked."

10 8. Section 4301 states, in pertinent part:

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

14 . . . .

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

18 "(g) Knowingly making or signing any certificate or other document that falsely  
19 represents the existence or nonexistence of a state of facts.

20 . . . .

21 "(j) The violation of any of the statutes of this state, or any other state, or of the United  
22 States regulating controlled substances and dangerous drugs.

23 . . . .

24 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
25 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
26 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
27 substances or of a violation of the statutes of this state regulating controlled substances or  
28 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the

1 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
2 The board may inquire into the circumstances surrounding the commission of the crime, in order  
3 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
4 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
5 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
6 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
7 of this provision. The board may take action when the time for appeal has elapsed, or the  
8 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
9 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
10 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
11 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
12 indictment. . . ."

### 13 **REGULATORY PROVISIONS**

14 9. California Code of Regulations, title 16, section 1770, states:

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

### 21 **DRUG STATUTES**

22 10. Health and Safety Code section 11170 states that "[n]o person shall prescribe,  
23 administer, or furnish a controlled substance for himself."

24 11. Health and Safety Code section 11173, subdivision (a), states that "[n]o person shall  
25 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
26 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
27 or subterfuge; or (2) by the concealment of a material fact."

28 12. Health and Safety Code section 11350, subdivision (a), states:

1 "Except as otherwise provided in this division, every person who possesses (1) any  
2 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of  
3 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or  
4 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section  
5 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic  
6 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian  
7 licensed to practice in this state, shall be punished by imprisonment in the state prison."

8 13. Health and Safety Code section 11377, subdivision (a), states:

9 "Except as authorized by law and as otherwise provided in subdivision (b) or Section  
10 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the  
11 Business and Professions Code, every person who possess any controlled substance which is (1)  
12 classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision  
13 (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified  
14 in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of  
15 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,  
16 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice  
17 in this state, shall be punished by imprisonment in a county jail for a period of not more than one  
18 year or in the state prison."

19 **COST RECOVERY**

20 14. Section 125.3 states, in pertinent part, that the Board may request the administrative  
21 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
22 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
23 case.

24 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

25 15. **Cocaine**, and any cocaine base, is a Schedule I controlled substance, as designated in  
26 Health and Safety Code section 11054(f)(1), and a Schedule II controlled substance, as designated  
27 in Health and Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to  
28 Business and Professions Code section 4022.

1 FIRST CAUSE FOR DISCIPLINE

2 (Convictions of Substantially-Related Crimes)

3 16. Respondent's license is subject to disciplinary action under sections 490, 4300, and  
4 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,  
5 on the grounds of unprofessional conduct, in that Respondent was convicted of crimes  
6 substantially related to the qualifications, functions or duties of a registered pharmacy technician  
7 which to a substantial degree evidence his present or potential unfitness to perform the functions  
8 authorized by his registration in a manner consistent with the public health, safety, or welfare, as  
9 follows:

10 a. On or about October 27, 2008, after pleading *nolo contendere*, Respondent was  
11 convicted of one misdemeanor count of violating Las Vegas Municipal Code section 9550 [doing  
12 business without a license], in the criminal proceeding entitled *The City of Las Vegas v. David*  
13 *Karapetyan* (Muni. Ct. Las Vegas, Nevada, 2007, No. C0699843A). The court ordered  
14 Respondent to pay a fine. The circumstances surrounding the conviction are that on or about  
15 September 22, 2007, Respondent was knowingly, and unlawfully, conducting and doing business  
16 without a license, in violation of Las Vegas Municipal Code section 9550.

17 b. On or about February 4, 2010, after pleading *guilty*, Respondent was convicted of one  
18 felony count of violating Nevada Revised Statutes section 453.3385(1) [trafficking in controlled  
19 substances]; one felony count of violating Nevada Revised Statutes section 205.275(2)  
20 [possession of a stolen firearm]; and one felony count of violating Nevada Revised Statutes  
21 section 202.277(1) [changing, altering, removing, or obliterating serial number of a firearm], in  
22 the criminal proceeding entitled *The State of Nevada v. David Karapetyan* (District Ct. Clark  
23 County, Nevada, 2007, No. 08C250486). The court sentenced Respondent to 60 months in jail as  
24 to count 1, with a minimum parole eligibility of 18 months; 48 months in jail as to count 2, with a  
25 minimum parole eligibility of 12 months; and 32 months in jail as to count 3, with a minimum  
26 parole eligibility of 12 months. All counts are to run concurrent with one another. Respondent  
27 was also fined by the court. The circumstances surrounding the conviction are that on or about  
28 April 20, 2007 through July 2, 2007, Respondent willfully, unlawfully, feloniously, and

1 knowingly, possessed 4 grams or more, but less than 14 grams, to wit: 13.4 grams of cocaine, or  
2 any mixture of substance consisting of approximately 13.4 grams of cocaine. On or about May  
3 22, 2007, and/or June 5, 2007, Respondent unlawfully, and feloniously, for his own gain, had in  
4 possession stolen property taken from various people. Respondent had in his possession stolen  
5 firearms to wit: two different Winchester rifles, and a Ruger semi-automatic handgun, which he  
6 knew were stolen. On or about June 5, 2007, Respondent also knowingly, and unlawfully,  
7 changed the serial number of a firearm, to-wit, a revolver and/or a Ruger semi-automatic  
8 handgun. Subsequently, Respondent was convicted of violating Nevada Revised Statutes sections  
9 453.3385(1), 205.275(2), and 202.277(1).

10 c. On or about December 29, 2005, after pleading *guilty*, Respondent was convicted of  
11 one felony count of violating Nevada Revised Statutes section 193.330 [punishment for attempt  
12 to commit a crime]; one felony count of violating Nevada Revised Statutes section 205.220  
13 [grand larceny]; and one felony count of violating Nevada Revised Statutes section 205.222  
14 [grand larceny penalties], in the criminal proceeding entitled *The State of Nevada v. David A*  
15 *Karapetyan* (District Ct. Clark County, Nevada, 2003, No. 04C200278.3). The court sentenced  
16 Respondent to 36 months in jail, with minimum parole eligibility of 12 months, and fined him.  
17 The circumstances surrounding the conviction are that on or about September 22, 2003,  
18 Respondent did willfully, and unlawfully, with intent to deprive the property owner, steal and  
19 take property away from the department store Target, in various locations in Las Vegas, Clark  
20 County, Nevada. The Respondent took a total of approximately 185 Hewlett Packard brand ink  
21 cartridges from various Target stores and placed them in two metal trash cans which were  
22 displayed for sale at one of the Target stores and only paid for the metal trash can and left the  
23 store without paying for the ink cartridges. The Respondent was subsequently convicted of  
24 violating Nevada Revised Statutes sections 193.330, 205.220, and 205.222

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Illegal Possession of Controlled Substances)**

27 17. Respondent's license is subject to disciplinary action under sections 4300 and 4301,  
28 subdivision (j), in conjunction with section 4060, on the grounds of unprofessional conduct, in

1 that on or about April 20, 2007 through July 02, 2007, Respondent was in possession of a  
2 controlled substance and dangerous drug without a valid prescription. Complainant refers to, and  
3 by this reference incorporates, the allegations set forth above in paragraph 16, subparagraph (b),  
4 inclusive, as though set forth fully.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Violating Drug Statutes)**

7 18. Respondent's license is subject to disciplinary action under sections 4300 and 4301,  
8 subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health  
9 and Safety Code as follows:

10 a. Section 11377, subdivision (a), by possessing Cocaine, a controlled substance.

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
12 paragraph 16, subparagraph (b), inclusive, as though set forth fully.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and/or Corruption)**

15 19. Respondent's license is subject to disciplinary action under sections 4300 and 4301,  
16 subdivisions (g) and (f), on the grounds of unprofessional conduct, in that Respondent committed  
17 acts involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Additionally, on or  
18 about May 31, 2010, Respondent knowingly made a false statement of fact required to be  
19 revealed on his application, by marking "No" when asked if he had been convicted of any crime  
20 since he last renewed his license. Complainant refers to, and by this reference incorporates, the  
21 allegations set forth above in paragraphs 16 through 18, inclusive, as though set forth fully.

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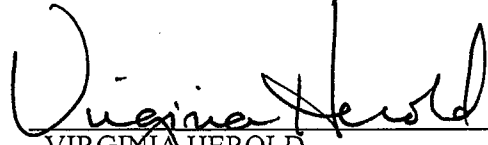


PRAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 47089, issued to David Karapetyan;
2. Ordering David Karapetyan to pay the Board 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: 8/14/12



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

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