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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. 4112

12 **VAHAN MIKE TOROSIAN**
531 E. Garfield Ave
13 Glendale, CA 91205

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 98261
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 26, 2010, the Board issued Pharmacy Technician License No.
22 TCH 98261 to Vahan Mike Torosian (Respondent). The Pharmacy Technician License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 January 31, 2012, unless renewed.

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.

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STATUTORY PROVISIONS

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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 provides that a board may suspend or revoke a license on the ground that
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
8 duties of the business or profession for which the license was issued.

9 6. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
10 revoked.”

11 7. Section 4301 states, in pertinent part:

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

15

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

19

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

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment. . . ."

9 REGULATORY PROVISION

10 8. California Code of Regulations, title 16, section 1770, states:

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

17 COST RECOVERY

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

21 FIRST CAUSE FOR DISCIPLINE

22 (Conviction of a Substantially Related Crime)

23 10. Respondent is subject to disciplinary action under Sections 490, 4300 and 4301,
24 subdivision (l), in conjunction with California Code of regulations, title 16, Section 1770, in that
25 on or about January 18, 2011, Respondent was convicted of a crime substantially related to the
26 qualifications, functions or duties of a licensee which to a substantial degree evidences his present
27 or potential unfitness to perform the functions authorized by his license in a manner consistent
28 with the public health, safety, or welfare, as follows:

1 a. On or about January 18, 2011, after pleading nolo contendere, Respondent was
2 convicted of one felony count of violating Penal Code section 245(a)(1) [assault with a deadly
3 weapon] in the criminal proceeding entitled *The People of the State of California v. Vahan Mike*
4 *Torosian* (Super, Ct., Los Angeles County, 2010, No. GA079624). On or about March 2, 2011,
5 the Court sentenced Respondent to four years in a state prison, and to pay restitution fines and
6 fees.

7 b. The circumstances underlying the conviction are that, on or about February 1, 2010,
8 while others stood around laughing, Respondent attempted to murder victim K.M., by stabbing
9 him approximately 11-12 times in his body and head¹. K.M. was transported to Huntington
10 Memorial Hospital for medical treatment, because he was bleeding profusely. On or about May
11 4, 2010, Respondent was arrested and charged with a felony violation of Penal Code section
12 245(a)(1).

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

15 11. Respondent is subject to disciplinary action under Sections 4300 and 4301,
16 subdivision (f), in that on or about February 1, 2010, Respondent committed an act involving
17 moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this
18 reference incorporates the allegations set forth above in Paragraph 10, subparagraphs a and b,
19 inclusive, as though set forth fully.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician License No. TCH 98261, issued to
24 Vahan Mike Torosian;

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26
27 ¹ The victim's initials have been used to protect his privacy rights, but documents
28 regarding the victim's identity will be produced to Respondent upon service of a timely and
appropriate discovery request.

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2. Ordering Vahan Mike Torosian 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: 2/24/12

Virginia Herold

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

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