

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
4 State Bar No. 192083
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-5794
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **VIGEN AGAJANYAN**
1730 Heather Ridge Drive
14 Glendale, CA 91207
15 **Pharmacy Technician Registration**
16 **No. TCH 16224**
17 Respondent.

Case No. 4271

A C C U S A T I O N

18
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 (Board).
23 2. On or about June 14, 1995, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 16224 to Vigen Agajanyan (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on May 31, 2013, unless renewed.

27 ///
28 ///

JURISDICTION

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

5 4. Section 4001.1 states:

6 "Protection of the public shall be the highest priority for the California State Board of
7 Pharmacy in exercising its licensing, regulatory, and disciplinary functions. Whenever the
8 protection of the public is inconsistent with other interests sought to be promoted, the protection
9 of the public shall be paramount."

10 5. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
11 revoked."

12 6. Section 4301 of the Code states, in part:

13 "The board shall take action against any holder of a license who is guilty of unprofessional
14 conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

15 ...

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

18 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
19 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
20 disciplinary action during the period within which the license may be renewed, restored, reissued
21 or reinstated.

22 8. Section 492 of the Code states:

23 "Notwithstanding any other provision of law, successful completion of any diversion
24 program under the Penal Code, or successful completion of an alcohol and drug problem
25 assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of
26 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
27 (commencing with Section 500) of this code, or any initiative act referred to in that division, from
28 taking disciplinary action against a licensee or from denying a license for professional

1 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record
2 pertaining to an arrest."

3 **REGULATORY PROVISION**

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

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

11 **COST RECOVERY**

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

15 **CONTROLLED SUBSTANCE**

16 11. Cocaine (and any Cocaine base) is a narcotic drug according to Health and
17 Safety Code section 11019(e). It is a Schedule I controlled substance, as designated in Health and
18 Safety Code section 11054(f)(1), and a Schedule II controlled substance, as designated in Health
19 and Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to Code
20 section 4022.

21 **CAUSE FOR DISCIPLINE**

22 **(Possession of a Controlled Substance)**

23 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), for
24 violating Health and Safety Code section 11350(a) [possession of a controlled substance,
25 Cocaine], on the grounds of unprofessional conduct, in that Respondent was in possession of
26 Cocaine, a controlled substance and dangerous drug. The circumstances are as follows:

27 a. On or about September 1, 2010, Respondent was contacted by a United States
28 Custom Border and Patrol officer, while in line to board a plane to Switzerland at Los Angeles

1 International Airport (LAX). Respondent appeared to be nervous and shaky. Respondent
2 repeatedly approached the officer and had to be instructed to stand back. Respondent was then
3 placed in handcuffs for officer safety after he approached the officer again. A search of
4 Respondent's carry-on bag revealed a small black plastic/rubber casing tied up into a ball
5 containing a white powdery substance. The substance tested positive for Cocaine. Upon
6 inspection of Respondent's wallet, which was recovered from his rear right pocket, the officer
7 located a folded one dollar bill behind several credit cards. When the bill was unfolded, the bill
8 contained Cocaine. The total amount of Cocaine recovered from Respondent was 7.27 grams.
9 Respondent was arrested for violation of HS section 11350(a) (Possession of a Narcotic
10 Controlled Substance), a felony, by Los Angeles Police Department officers who were called to
11 the scene and booked into custody at the Los Angeles Police Department Pacific Jail.

12 b. On or about October 1, 2010, in the criminal proceeding entitled *The People of the*
13 *State of California v. Vigen Agajanyan* (Super. Ct. Los Angeles County, 2008, No. SA075347),
14 on his plea of guilty to one felony count of violating Health and Safety Code section 11350(a)
15 [possession of a controlled substance, Cocaine], the Court placed Respondent on deferred entry of
16 judgment for thirty-six (36) months. The Court ordered Respondent to pay fines and to complete
17 a drug diversion education and treatment program.

18 **PRAYER**

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

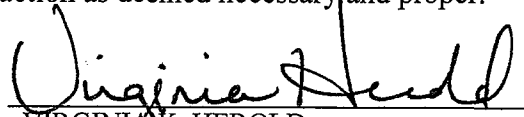
- 21 1. Revoking or suspending Pharmacy Technician Registration Number TCH 16224,
22 issued to Vigen Agajanyan;
- 23 2. Ordering Vigen Agajanyan to pay the Board the reasonable costs of the investigation
24 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

25 ///
26 ///
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

3. Taking such other and further action as deemed necessary and proper.

DATED: 6/1/12



VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
State of California
Complainant

LA2012602722
60745602.doc