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

10 In the Matter of the Accusation and Petition to
11 Revoke Probation Against,

Case No. 4877

12 **FRED O. GREGORIAN**
13 **19776 Ahwanee Lane**
Northridge, CA 91326
14 **Pharmacist License No. RPH 47542**

ACCUSATION AND PETITION TO
REVOKE PROBATION

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

21 2. On or about August 12, 1994, the Board of Pharmacy issued Pharmacist License
22 Number RPH 47542 to Fred O. Gregorian (Respondent). The Pharmacist License was in effect at
23 all times relevant to the charges brought herein and will expire on November 30, 2015, unless
24 renewed.

25 3. In a disciplinary action entitled "In the Matter of Accusation Against Fred O.
26 Gregorian," Case No. AC 2669, the Board of Pharmacy, issued a decision, effective April 20,
27 2005, in which Respondent's Pharmacist License was revoked. However, the revocation was
28 stayed and Respondent's Pharmacist License was placed on probation for a period of three years

1 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is
2 incorporated by reference.

3 **JURISDICTION AND STATUTORY**

4 **PROVISIONS FOR ACCUSATION**

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

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

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

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

17

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

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

23

24 **COST RECOVERY**

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Dishonesty/False Representations)

5 8. Respondent is subject to disciplinary action under section 4301, subdivisions (f) and
6 (g), in that Respondent engaged in acts of dishonesty and/or deceit when he made false
7 representations to the Board. The circumstances are that between November, 2008 and October,
8 2009, Respondent submitted signed statements to the Pharmacists Recovery Program at Maximus
9 Inc. representing that a participant under his supervision was working 30-32 hours per week. In
10 fact, the participant was only working eight hours per week.

11 JURISDICTION FOR PETITION TO REVOKE PROBATION

12 9. This Petition to Revoke Probation is brought before the Board under Probation Term
13 and Condition Number 15 of the Decision and Order In the Matter of Accusation Against Fred O.
14 Gregorian, Case No. 2669. That term and condition states as follows:

15 "If respondent violates probation in any respect, the Board, after giving Respondent
16 notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order
17 which was stayed. If a petition to revoke probation or an accusation is filed against Respondent
18 during probation, the Board shall have continuing jurisdiction and the period of probation shall be
19 extended, until the petition to revoke probation or accusation is heard and decided.

20 If Respondent has not complied with any term or condition of probation, the Board shall
21 have continuing jurisdiction over Respondent, and probation shall automatically be extended until
22 all terms and conditions have been satisfied or the Board has taken other action as deemed
23 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
24 to impose the penalty which was stayed.

25 FIRST CAUSE TO REVOKE PROBATION

26 (Failure to File Quarterly Reports as Required)

27 10. At all times after the effective date of Respondent's probation, Condition No. 4
28 stated:

1 17. Respondent's probation is subject to revocation because he has failed to pay
2 probation monitoring costs as required.

3 FIFTH CAUSE TO REVOKE PROBATION

4 (Notification of Employment)

5 18. At all times after the effective date of Respondent's probation, Condition No. 13
6 stated:

7 Notification of Employment/Mailing Address Change. Respondent shall notify the
8 Board in writing within 10 days of any change of employment. Said notification shall include the
9 reasons for leaving and/or the address of the new employer, supervisor or owner and work
10 schedule if known. Respondent shall notify the Board in writing within ten days of a change in
11 name, mailing address or phone number.

12 19. Respondent's probation is subject to revocation because he failed to notify the Board
13 of the termination of his employment with Medical Arts Pharmacy, which began in September,
14 2008 and ended in March, 2010.

15 PRAYER

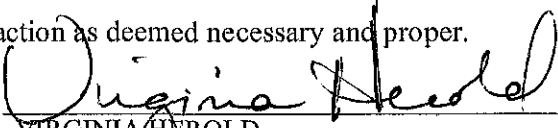
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Pharmacy issue a decision:

18 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. AC
19 2669 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License
20 No. RPH 47542 issued to Fred O. Gregorian;

21 2. Revoking or suspending Pharmacist License No. RPH 47542, issued to Fred O.
22 Gregorian;

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

24 DATED: 5/8/14


25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Board of Pharmacy Case No. 2669