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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5081

13 **ZAREH BOIADJIAN**

14 448 W. Windsor Rd. # 10  
Glendale, CA 91204

**ACCUSATION**

15 Pharmacy Technician Registration No. TCH  
43136

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 26, 2002, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 43136 to Zareh Boiadjian (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on April 30, 2014, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

27 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code ("Code") unless otherwise indicated.

2 4. Section 4300 of the Code provides (in summary) that every license issued by the  
3 Board is subject to discipline, including suspension or revocation.

4 5. Section 4301 of the Code states in pertinent part:

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

9 ...

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

13 ...

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

16 ...

17 (o) Violating or attempting to violate, directly or indirectly, or assisting in  
18 or abetting the violation of or conspiring to violate any provision or term of this  
19 chapter or of the applicable federal and state laws and regulations governing  
20 pharmacy, including regulations established by the board or by any other state or  
21 federal regulatory agency."

22 6. Section 4059 of the Code states in pertinent part:

23 "(a) A person may not furnish any dangerous drug, except upon the  
24 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
25 naturopathic doctor pursuant to Section 3640.7. A person may not furnish any  
26 dangerous device, except upon the prescription of a physician, dentist, podiatrist,  
27 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

#### 28 **COST RECOVERY**

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

#### **FACTUAL BACKGROUND**

8. On or about January 31, 2013, the Pharmacy Coordinator at Ralph's Grocery Store, in  
Los Angeles, CA ("Ralph's") contacted the Loss Prevention Manager regarding missing

1 Tramadol<sup>1</sup> tablets. The Pharmacy Coordinator discovered that Respondent made multiple balance  
2 on hand changes to Tramadol dating back to June 14, 2012. The Pharmacy Coordinator  
3 conducted an inventory of Tramadol on February 13, 2013. During the course of the inventory,  
4 the Pharmacy Coordinator discovered that a bottle of Tramadol disappeared. The Loss Prevention  
5 Manager interviewed Respondent and Respondent initially denied taking the medication from the  
6 pharmacy. A search of Respondent's vehicle revealed the missing bottle of Tramadol.  
7 Respondent then admitted to stealing the drug for his wife, who had suffered a broken leg three  
8 years earlier. He admitted that he used to buy Tramadol but began stealing the medication after  
9 the price increased. Respondent admitted that he took the bottle of Tramadol to his vehicle during  
10 his break. On February 23, 2013, Respondent was terminated from Ralph's.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct: Act Involving Dishonesty, Fraud or Deceit)**

13 9. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
14 Code on the grounds of unprofessional conduct in that Respondent committed an act involving  
15 moral turpitude, dishonesty, fraud, deceit, or corruption. The conduct is described in more  
16 particularity in paragraph 8 above, inclusive and hereby incorporated by reference.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct: Violation of Statutes Regulating Dangerous Drugs)**

19 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
20 Code on the grounds of unprofessional conduct in that he violated state laws and regulations  
21 governing pharmacy when he furnished Tramadol, a dangerous drug in violation of section 4059 of  
22 the Code. The conduct is described in more particularity in paragraph 8 above, inclusive and  
23 hereby incorporated by reference.

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26 ///

27 <sup>1</sup> "Tramadol," is the generic name for Ultram, an effective pain reliever (analgesic) and is  
28 categorized as a dangerous drug pursuant to section 4022.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Violation of Pharmacy Law)**

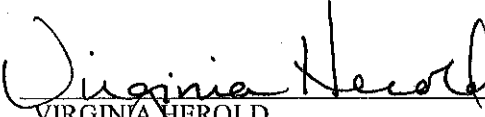
3 11. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the  
4 Code on the grounds of unprofessional conduct in that he violated provisions of Pharmacy Law.  
5 The violations are described in more particularity in paragraphs 9 and 10 above, inclusive and  
6 hereby incorporated by reference.

7 **PRAYER**

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 43136,  
11 issued to Zareh Boiadjian;
- 12 2. Ordering Zareh Boiadjian to pay the Board of Pharmacy the reasonable costs of the  
13 investigation and enforcement of this case, pursuant to Business and Professions Code section  
14 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 8/10/15

  
18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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