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7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY		
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11	In the Matter of the Accusation Against:	Case No. 5098	
12	TAGUI KALADZHYAN 1717 N. Mariposa Aye., #A		
13	Los Angeles, CA 90027	ACCUSATION	
14	Pharmacist Technician Registration No. TCH 55453		
15	Respondent.		
16	Complainant alleges:		
17	PARTIES	1	
18	1. Virginia Herold (Complainant) brings this	Accusation solely in her official capacity	
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).		
20	2. On or about March 8, 2004, the Board issu	ued Pharmacist Technician Registration No.	
21	TCH 55453 to Tagui Kaladzhyan (Respondent). The Pharmacist Technician Registration was in		
22	full force and effect at all times relevant to the charges brought herein and will expire on		
23	October 31, 2015, unless renewed.		
24	JURISDICT	ION	
25	3. This Accusation is brought before the Boa	rd, under the authority of the following	
26	laws. All section references are to the Business and Professions Code unless otherwise indicated.		
27	4. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or		
28	revoked."		
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		Accusation	

5. Section 4300.1 states:

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2	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by		
3	operation of law or by order or decision of the board or a court of law, the placement of a license		
4	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board		
5	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary		
6	proceeding against, the licensee or to render a decision suspending or revoking the license."		
7	STATUTORY PROVISIONS		
8	6. Section 490 provides that a board may suspend or revoke a license on the ground that		
9	the licensee has been convicted of a crime substantially related to the qualifications, functions, or		
10	duties of the business or profession for which the license was issued		
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:		
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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	"(I) 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 or		
28	dangerous drugs, to determine if the conviction is of an offense substantially related to the		
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qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 1 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning 2 of this provision. The board may take action when the time for appeal has elapsed, or the 3 judgment of conviction has been affirmed on appeal or when an order granting probation is made 4 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of 5 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not 6 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or 7 indictment." 8

REGULATORY PROVISION

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California Code of Regulations, title 16, section 1770 states:

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

COST RECOVERY

9. Section 125.3 provides that the Board may request the administrative law judge to
direct a licentiate 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, with
failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a
case settles, recovery of investigation and enforcement costs may be included in a stipulated
settlement.

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FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent committed a crime substantially related to the qualifications, functions or duties of a registrant which to a substantial degree evidences his present or potential unfitness to perform the functions authorized by his registration in a manner consistent with the public health, safety, or welfare, as follows:

On or about September 23, 2013, after pleading guilty to Count 2 of the felony a. 9 complaint, Respondent was convicted of one felony count of violating Penal Code section 487(a) 10 [grand theft] in the criminal proceeding entitled The People of the State of California v. Tagui 11 Kaladzhvan (Super. Ct. L.A. County, 2013, No. BA413367). The Court placed Respondent on 12 five (5) years probation, ordered him to complete 350 hours community service, and ordered him 13 to pay \$22.474.00 victim restitution: \$18,605.00 to California Department of Education and 14 \$3,872.00 to Department of Public Social Services. Count 1 of the felony complaint, which 15 charged Respondent with receiving \$3,872.00 in unentitled child care aid from the California 16 Department of Public Social Services, was dismissed. However, the court included that sum in 17 the victim restitution order. 18

b. The circumstances underlying the conviction are that on and between October 1,
2011, and February 28, 2013, Respondent received unentitled child care aid in the approximate
amount of \$18,605.00 from the California Department of Education.

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SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

11. Respondent is subject to disciplinary action under section 4301, subdivision (f), on
the grounds of unprofessional conduct, in that Respondent committed acts involving moral
turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference
incorporates the allegations set forth above in paragraph 10, subparagraphs (a) and (b), inclusive,
as though set forth fully.

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1	THIRD CAUSE FOR DISCIPLINE	
2	(Unprofessional Conduct)	
3	12. Respondent is subject to disciplinary action under section 4301, in that Respondent	
4	committed acts of unprofessional conduct. Complainant refers to and by this reference	
5	incorporates the allegations set forth above in paragraphs 10 through 11, inclusive, as though set	
6	forth fully.	
7	<u>PRAYER</u>	
8	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
9	and that following the hearing, the Board issue a decision:	
10	1. Revoking or suspending Pharmacist Technician Registration No. TCH 55453, issued	
11	to Tagui Kaladzhyan;	
12	2. Ordering Tagui Kaladzhyan to pay the Board the reasonable costs of the investigation	
13	and enforcement of this case, pursuant to section 125.3; and	
14	3. Taking such other and further action as deemed necessary and proper.	
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16	DATED: 9/14/14 Usine Leid	
17	Executive Officer Board of Pharmacy	
18	Department of Consumer Affairs State of California	
19	Complainant	
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	5 Accusation	
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