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

11 In the Matter of the Statement of Issues
Against:

Case No. 5754

12 **DANIEL YAGOUBIAN, AKA DANNY**
13 **YAGOUBIAN**

STATEMENT OF ISSUES

14 **Pharmacist License Applicant**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 8, 2015, the Board of Pharmacy, Department of Consumer Affairs
22 received an application for a Pharmacist License from Daniel Yagoubian, aka Danny Yagoubian
23 (Respondent). On or about May 4, 2015, Daniel Yagoubian certified under penalty of perjury to
24 the truthfulness of all statements, answers, and representations in the application. The Board
25 denied the application on December 17, 2015.

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1 JURISDICTION

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

5 4. Section 480 of the Code states, in pertinent part, that:

6 “(a) A board may deny a license regulated by this code on the grounds that the applicant
7 has one of the following: . . .

8 “(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
9 benefit himself or herself or another, or substantially injure another.

10 “(3) (A) Done any act that if done by a licentiate of the business or profession in question,
11 would be grounds for suspension or revocation of license.

12 “(B) The board may deny a license pursuant to this subdivision only if the crime or act is
13 substantially related to the qualifications, functions, or duties of the business or profession for
14 which application is made. . . .”

15 5. Section 4300, subdivision (c), states, in pertinent part, that “[t]he board may refuse a
16 license to any applicant guilty of unprofessional conduct. . . .”

17 6. Section 4301 states, in pertinent part, that:

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

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

25 REGULATORY PROVISION

26 7. California Code of Regulations, title 16, section 1770 states:

27 “For the purpose of denial, suspension, or revocation of a personal or facility license
28 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a

1 crime or act shall be considered substantially related to the qualifications, functions or duties of a
2 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
3 licensee or registrant to perform the functions authorized by his license or registration in a manner
4 consistent with the public health, safety, or welfare.”

5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **(Acts involving Dishonesty, Fraud, or Deceit)**

7 8. Respondent's application is subject to denial under section 480(a)(2) on the grounds
8 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to
9 substantially benefit himself. The circumstances are that on or about November 12, 2013,
10 Respondent submitted an application for Pharmacist Examination and Licensure with the Board.
11 With his application, Respondent submitted two affidavits for the completion of intern hours that
12 were allegedly signed by his supervising pharmacists/pharmacists-in-charge. Upon review, it was
13 verified that Respondent forged the signatures on each affidavit.

14 **SECOND CAUSE FOR DENIAL OF APPLICATION**

15 **(Conduct Warranting Licensee Discipline)**

16 9. Respondent's application is subject to denial under Section 480(a)(3) in conjunction
17 with California Code of Regulations, title 16, section 1770, in that Respondent committed acts
18 which if done by a licensee would be grounds for discipline as follows:

19 a. Section 4300(c), in that Respondent engaged in unprofessional conduct.
20 Complainant refers to and by this reference incorporates the allegations set forth above in
21 paragraph 8 as though set forth fully herein.

22 b. Section 4301, subdivision (f), in that Respondent engaged in unprofessional
23 conduct and committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.
24 Complainant refers to and by this reference incorporates the allegations set forth above in
25 paragraph 8 as though set forth fully herein.

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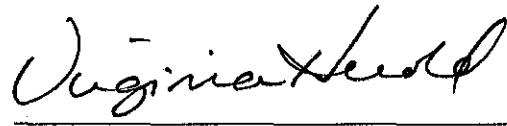
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PRAYER

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

1. Denying the application of Daniel Yagoubian, aka Danny Yagoubian, for a Pharmacist License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 4/15/16



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

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