

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSEPH N. ZIMRING, State Bar No. 185916
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2559
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 ROLA HOLWAHJIAN
13 801 E. Amherst
Burbank, CA 91504
14 Pharmacy Technician Registration No. TCH
26386
15 Respondent.

Case No. 2690
OAH No. L-2004020269
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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17 In the interest of a prompt and speedy resolution of this matter, consistent with
18 the public interest and the responsibility of the Board of Pharmacy of the California Department
19 of Consumer Affairs the parties hereby agree to the following Stipulated Surrender of License
20 and Order which will be submitted to the Board for approval and adoption as the final
21 disposition of the Accusation.

22 PARTIES

23 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
25 by Bill Lockyer, Attorney General of the State of California, by Joseph N. Zimring, Deputy
26 Attorney General.

27 2. Rola Holwahjian (Respondent) is represented in this proceeding by
28 attorney James E. Blatt, whose address is 16000 Ventura Blvd., Suite 1208, Encino, CA 91436.

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2. Respondent shall lose all rights and privileges as a pharmacy technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall relinquish her pocket technician registration to the Board within 10 days of the effective date of this decision. Respondent may not submit an application to the Board for three years from the effective date of this decision.

4. A condition of issuance of a new registration shall be that the Respondent is certified by the Pharmacy Technician Certification Board (PTCB) and provides satisfactory proof of certification to the Board.

5. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in the Accusation shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

6. Respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$2,100 prior to issuance of any new license.

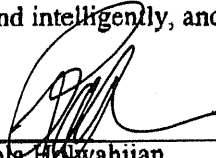
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, James E. Blatt. I understand the stipulation and the effect it will have on my pharmacy technician registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

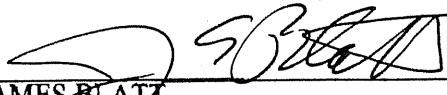
DATED: 10-6-04



Rola Holwahjian
Respondent

I have read and fully discussed with Respondent Rola Holwahjian the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 10-6-04



JAMES BLATT
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

BILL LOCKYER, Attorney General
of the State of California

JOSEPH N. ZIMRING
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: LA2003600634
60062353.wpd

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ACCEPTANCE

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DATED: _____
Rola Holwahjian
Respondent

I have read and fully discussed with Respondent Rola Holwahjian the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

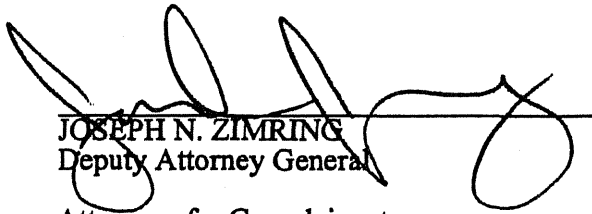
DATED: _____
JAMES BLATT
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 10/7/2004

BILL LOCKYER, Attorney General
of the State of California


JOSEPH N. ZIMRING
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: LA2003600634
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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2690

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Rola Holwahjian
801 E Amherst
Burbank, CA

OAH No. L-2004020269

Pharmacy Technician Registration No. TCH
26386

Respondent.

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DECISION AND ORDER


The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 5, 2005.

It is so ORDERED on December 6, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


STANLEY W. GOLDENBERG
Board President

1 BILL LOCKYER, Attorney General
of the State of California
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 03 2690

12 ROLA C. HOLWAHJIAN
13 801 E Amherst
Burbank, CA 91504

A C C U S A T I O N

14 Pharmacy Technician Registration No.
15 TCH 26386

Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy (Board), California
22 Department of Consumer Affairs.

23 2. On or about July 15, 1998, the Board issued Pharmacy Technician
24 Registration Number TCH 26386 to Rola C. Holwahjian (Respondent). The registration
25 was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2003, unless renewed.

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JURISDICTION

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

4. Section 4300 permits the Board to take disciplinary action to suspend or revoke a license or permit.

5. Section 4301 states:

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

.....

"(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

.....

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

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

.....

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

.....

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

1 “(p) Actions or conduct that would have warranted denial of a license.”

2 6. Section 4059(a) states, in pertinent part, that a person may not
3 furnish any dangerous drug without a valid prescription.

4 7. Section 4022 defines “Dangerous Drugs” as any drug that is unsafe
5 for self-medication and which by federal or state law can be lawfully dispensed only on
6 prescription.

7 8. Section 4060 states that no person shall possess any controlled
8 substance without a legitimate prescription.

9 9. Section 4063 states that no prescription for a dangerous drug may
10 be refilled except upon authorization of the prescriber. The authorization may be given
11 orally or at the time of giving the original prescription. No prescription for any
12 dangerous drug that is a controlled substance may be designated refillable as needed.

13 10. Section 4324(a) states every person who signs the name of
14 another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes,
15 passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of a
16 forgery and upon conviction thereof shall be punished by imprisonment in the state
17 prison, or by imprisonment in the county jail for not more than one year.

18 11. Section 4329 states that any nonpharmacist who compounds or
19 dispenses a prescription or furnishes dangerous drugs is guilty of a misdemeanor.

20 12. Health & Safety Code section 11170 states that no person shall
21 prescribe, administer, or furnish a controlled substance for herself.

22 13. Health and Safety Code section 11171 states that no person shall
23 prescribe, administer, or furnish a controlled substance except under the conditions and
24 in the manner provided by this division.

25 14. Health & Safety Code section 11173(a) states that no person shall
26 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
27 administration of or prescription for controlled substances, (1) by fraud, deceit,
28 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

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SECOND CAUSE FOR DISCIPLINE

(Clearly Excessive Furnishing of a Controlled Substance)

27. Respondent has subjected her license to discipline pursuant to section 4301(d) for clearly excessive furnishing of a controlled substance as stated in paragraphs 19 and 21 - 23.

THIRD CAUSE FOR DISCIPLINE

(Knowingly Making False Documents)

28. Respondent has subjected her license to discipline pursuant to section 4301(g) by knowingly making or signing documents that falsely represented the existence of a state of facts as stated in paragraphs 19 - 25.

FOURTH CAUSE FOR DISCIPLINE

(Furnishing Dangerous Drugs and Controlled Substances)

29. Respondent has subjected her license to discipline pursuant to section 4301(j) by violating sections 4059, 4060, 4063, 4324, 4329 and Health and Safety Code sections 11170, 11171 and 11173, statutes regulating controlled substances and dangerous drugs as stated in paragraphs 19 - 25.

FIFTH CAUSE FOR DISCIPLINE

(Violating the Pharmacy Law)

30. Respondent has subjected her license to discipline pursuant to section 4301(o) by violating sections of the Pharmacy Law as stated in paragraphs 19 - 29.

SIXTH CAUSE FOR DISCIPLINE

(Actions Warranting Denial of License)

31. Respondent has subjected her license to discipline pursuant to section 4301(p) by committing acts which would warrant denial of a license as stated in paragraphs 19 - 30.

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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. Revoking or suspending Pharmacy Technician Registration No. TCH 26386, issued to Respondent Rola C. Holwahjian;

2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 1/12/04

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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