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

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In the Matter of the Accusation Against:

Case No. 3580

**JESSICA CECILIA KOKORIAN**  
5506 Laurette Street  
Torrance, Ca 90503

**DEFAULT DECISION AND ORDER**

**Pharmacy Technician License No. TCH  
44692**

[Gov. Code, §11520]

Respondent.

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FINDINGS OF FACT

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1. On or about April 5, 2010, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 3580 against Jessica Cecilia Kokorian (Respondent) before the Board of Pharmacy.

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2. On or about September 27, 2002, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 44692 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on August 30, 2010, unless renewed.

3. On or about April 12, 2010, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3580, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

1 5506 Laurette Street  
2 Torrance, Ca 90503.

3 4. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c).

5 5. On or about May 26, 2010, the aforementioned documents, which were served via  
6 Certified Mail, were returned by the U.S. Postal Service marked "Unclaimed."

7 6. Government Code section 11506 states, in pertinent part:

8 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
10 of the accusation not expressly admitted. Failure to file a notice of defense shall  
11 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
12 may nevertheless grant a hearing.

13 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
14 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3580.

15 8. California Government Code section 11520 states, in pertinent part:

16 (a) If the respondent either fails to file a notice of defense or to appear at the  
17 hearing, the agency may take action based upon the respondent's express admissions  
18 or upon other evidence and affidavits may be used as evidence without any notice to  
19 respondent.

20 9. Pursuant to its authority under Government Code section 11520, the Board finds  
21 Respondent is in default. The Board will take action without further hearing and, based upon the  
22 evidence contained in the Default Decision Evidence Packet, finds that the charges and  
23 allegations in Accusation No. 3580, are separately and severally, true and correct.

24 10. The total cost for investigation and enforcement in connection with the Accusation  
25 are \$1,710.00 as of July 28, 2010.

#### 26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Jessica Cecilia Kokorian has  
28 subjected her Pharmacy Technician License No. TCH 44692 to discipline.

1. The agency has jurisdiction to adjudicate this case by default.

2. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
License based upon the following violations alleged in the Accusation, which are supported by  
the evidence contained in the Default Decision Evidence Packet:

1 a. Bus. & Prof. Code, § 4301, subs. (k) and (l) (conviction of substantially related  
2 crimes: possession of a controlled substance, Methamphetamine (2009) and driving a vehicle with  
3 a blood alcohol level of 0.08% or greater (2007)),

4 b. Bus. & Prof. Code, § 4301, subd. (j) (violation of state laws regulating controlled  
5 substances: Health and Safety Code sections 11377, subd. (a) (illegal possession of controlled  
6 substance, Methamphetamine)), and

7 c. Bus. & Prof. Code, § 4301, subd. (h) (alcohol abuse).

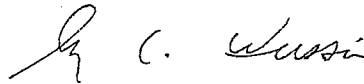
8 ORDER

9 IT IS SO ORDERED that Pharmacy Technician License No. TCH 44692, heretofore issued  
10 to Respondent Jessica Cecilia Kokorian, is revoked.

11 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
12 written motion requesting that the Decision be vacated and stating the grounds relied on within  
13 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
14 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

15 This Decision shall become effective on November 18, 2010.

16 It is so ORDERED October 19, 2010.



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18 STANLEY C. WEISSER, BOARD PRESIDENT  
19 FOR THE BOARD OF PHARMACY  
20 DEPARTMENT OF CONSUMER AFFAIRS

21 50706768.doc  
22 DOJ docket number:LA2010500658  
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**Exhibit A**  
**Accusation No. 3580**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
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11 In the Matter of the Accusation Against:

12 **JESSICA CECILIA KOKORIAN**  
5506 Laurette Street  
13 Torrance, CA 90503

14 **Pharmacy Technician License No. TCH 44692**

15 Respondent.

Case No. 3580

**A C C U S A T I O N**

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy.
- 21 2. On or about September 27, 2002, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 44692 to Jessica Cecilia Kokorian (Respondent). The Pharmacy  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on August 31, 2010, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board of Pharmacy (Board), under the  
27 authority of the following laws. All section references are to the Business and Professions Code  
28 (Code) unless otherwise indicated.

1       4.     Section 118, subdivision (b), of the Code provides that the expiration of a license  
2 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
3 within which the license may be renewed, restored, reissued or reinstated.

4       5.     Section 4300 of the Code permits the Board to take disciplinary action to suspend or  
5 revoke a license issued by the Board.

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

7             "The board shall take action against any holder of a license who is guilty of unprofessional  
8 conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

9             ...

10            "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
11 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
12 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
13 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
14 practice authorized by the license.

15            ...

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

18            "(k) The conviction of more than one misdemeanor or any felony involving the use,  
19 consumption, or self administration of any dangerous drug or alcoholic beverage, or any  
20 combination of those substances.

21            "(l) The conviction of a crime substantially related to the qualifications, functions, and  
22 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
23 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
24 substances or of a violation of the statutes of this state regulating controlled substances or  
25 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
26 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
27 The board may inquire into the circumstances surrounding the commission of the crime, in order  
28 to fix the degree of discipline or, in the case of a conviction not involving controlled substances

1 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
2 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
3 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
4 of this provision. The board may take action when the time for appeal has elapsed, or the  
5 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
6 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
7 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
9 indictment.”

10 7. Section 492 of the Code states, in part, that:

11 "Notwithstanding any other provision of law, successful completion of any diversion  
12 program under the Penal Code, or successful completion of an alcohol and drug problem  
13 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of  
14 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
15 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that  
16 division, from taking disciplinary action against a licensee or from denying a license for  
17 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
18 record pertaining to an arrest.

19 8. California Code of Regulations, title 16, section 1770, states:

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

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1 COST RECOVERY

2 9. Section 125.3 of the Code provides that the Board may request the administrative law  
3 judge to direct a licēntiate found to have committed a violation or violations of the licensing act to  
4 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 STATE DRUG STATUTES

6 10. Section 4022 of the Code prohibits the dispensing or furnishing of a dangerous drug  
7 or dangerous device, which is any drug or device that is unsafe for self-use in humans or animals,  
8 without a prescription or as legally authorized.

9 11. Health and Safety Code section 11007 states that "controlled substance" unless  
10 otherwise specified, means a drug, substance, or immediate precursor which is listed in any  
11 schedule in Section 11054, 11055, 11056, 11057, or 11058.

12 12. Health and Safety Code section 11377, subdivision (a), states, in part, that:  
13 "Except as authorized by law and as otherwise provided in subdivision (b) or Section  
14 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the  
15 Business and Professions Code, every person who possesses any controlled substance which is . .  
16 . (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a  
17 physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished  
18 by imprisonment in a county jail for a period of not more than one year or in the state prison."

19 CONTROLLED SUBSTANCE/DANGEROUS DRUG

20 13. Methamphetamine, a stimulant, is a Schedule II controlled substance as designated by  
21 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug  
22 pursuant to section 4022 of the Code.

23 FIRST CAUSE FOR DISCIPLINE

24 (Conviction of Substantially Related Crimes)

25 14. Respondent has subjected her license to disciplinary action under sections 4301,  
26 subdivisions (k) and (l) of the Code, in conjunction with California Code of Regulations, title 16,  
27 section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of  
28



1 crimes, which are substantially related to the qualifications, functions, or duties of a pharmacy  
2 technician, as follows:

3 a. On or about October 9, 2009, in a criminal proceeding entitled *People of the State of*  
4 *California v. Jessica Cecilia Kokorian*, in Los Angeles County Superior Court, Case No.  
5 9SY08872, Respondent pled guilty to violating Health and Safety Code section 11377,  
6 subdivision (a) (possession of a controlled substance, Methamphetamine), a misdemeanor.  
7 Respondent was placed on diversion (deferred entry of judgment) for 18 months and fined.

8 b. The circumstances surrounding the diversion are that on or about October 4, 2009,  
9 Torrance Police Officers Hassoldt and Ryono were performing a routine traffic stop on a vehicle  
10 that was speeding. Officer Ryono identified the passenger in the vehicle as Respondent.  
11 Respondent's daughter was the driver of the vehicle. While speaking with Respondent, Officer  
12 Ryono was able to smell the odor of an alcoholic beverage emitting from her breath. When  
13 questioned by the officer, Respondent admitted that she had several alcoholic drinks that evening  
14 and there was a red canteen in the vehicle that contained a "White Russian." Respondent acted  
15 very nervously and the officer noticed that she had eyelid tremors when she closed her eyes. In  
16 addition, her pupils did not act quickly to the light of the officer's flashlight. These symptoms  
17 were consistent with someone that is on a controlled substance stimulant. Respondent admitted to  
18 having methamphetamine in the vehicle, as well. Respondent was arrested and transported to  
19 Torrance Police Department for booking.

20 c. On or about August 28, 2007, in a criminal proceeding entitled *People of the State of*  
21 *California v. Jessica Cecilia Kokorian*, in Los Angeles County Superior Court, Case No.  
22 7SY06730, Respondent pled guilty and was convicted for violating Vehicle Code section 23152,  
23 subdivision (b) (driving a vehicle with a blood alcohol level of 0.08% or greater), a misdemeanor.  
24 Respondent was sentenced to three years of summary probation, required to enroll in and  
25 complete a three-month First-Offender Alcohol Program and fined \$1653.00.

26 d. The circumstances surrounding the convictions are that on or about June 29, 2007,  
27 while driving a vehicle, Respondent was contacted in a DUI checkpoint in Torrance, California,  
28 by Los Angeles County deputy sheriffs. She admitted to drinking. She was requested to perform

1 field sobriety tests, which she failed. Based on the results of the field sobriety tests, the objective  
2 signs and symptoms of intoxication (bloodshot, watery eyes, slurred speech), Respondent was  
3 arrested for violation of Vehicle Code section 23152(a) (driving under the influence) and  
4 23152(b) (driving a vehicle with a blood alcohol level of 0.08% or greater.)

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Violation of State Laws Regulating Controlled Substances)**

7 15. Respondent has subjected her license to disciplinary action under section 4301,  
8 subdivision (j), on the grounds of unprofessional conduct, in that on or about October 4, 2009,  
9 Respondent violated Health and Safety Code sections 11377, subdivision (a), by illegally  
10 possessing a controlled substance and dangerous drug, Methamphetamine, as set forth in  
11 paragraph 14, above.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Alcohol Abuse)**

14 16. Respondent has subjected her license to disciplinary action under section 4301,  
15 subdivision (h), on the grounds of unprofessional conduct, in that on or about June 29, 2007,  
16 Respondent consumed alcohol to the extent or in a manner as to be dangerous or injurious to  
17 oneself and to the public, in that she was driving a vehicle with a blood alcohol level of 0.08% or  
18 greater in violation of Vehicle Code section 23152, subdivision (b), as set forth in paragraph 14,  
19 above.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician License Number TCH 44692, issued  
24 to Jessica Cecilia Kokorian;


25 2. Ordering Jessica Cecilia Kokorian to pay the Board's reasonable costs of the  
26 investigation and enforcement of this case, pursuant to Business and Professions Code section  
27 125.3; and,

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

DATED: 4/5/10

  
VIRGINIA K. HEROLD  
Executive Officer  
Board of Pharmacy  
State of California  
*Complainant*

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