

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

In the Matter of the Accusation Against:

Case No. 3852

SEVAK GHAZARIAN
1760 Gardena Ave., #220
Glendale, CA 91204

Pharmacy Technician Registration No. TCH
76239

Respondent.

DECISION AND ORDER

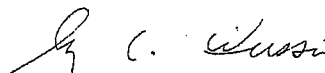
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on September 15, 2011.

It is so ORDERED August 16, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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. 3852

12 **SEVAK GHAZARIAN**
1760 Gardena Ave., #220
13 Glendale, CA 91204
14 **Pharmacy Technician Registration No. TCH**
76239

OAH No. L-2010120979

STIPULATED SURRENDER OF
LICENSE AND ORDER

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by William D. Gardner, Deputy Attorney
23 General.

24 2. Sevak Ghazarian (Respondent) is representing himself in this proceeding and has
25 chosen not to exercise his right to be represented by counsel.

26 3. On or about May 31, 2007, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 76239 to Sevak Ghazarian (Respondent). The Pharmacy Technician
28

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 3852 and will expire on September 30, 2012, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3852 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on December 2, 2010.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3852 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3852. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3852, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 Registration No. TCH 76239 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician Registration without further process.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 76239, issued to Respondent Sevak Ghazarian, is surrendered and accepted by the Board of Pharmacy.

14. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

3 16. Respondent shall cause to be delivered to the Board his pocket license and, if one was
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5 17. If he ever applies for licensure or petitions for reinstatement in the State of California,
6 the Board shall treat it as a new application for licensure. Respondent must comply with all the
7 laws, regulations and procedures for licensure in effect at the time the application or petition is
8 filed, and all of the charges and allegations contained in Accusation No. 3852 shall be deemed to
9 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
10 the application.

11 18. Respondent stipulates that should he apply for any license from the board on or after
12 the effective date of this decision, investigation and prosecution costs in the amount of \$2,887.50
13 shall be paid to the board prior to issuance of the license.

14 19. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in Accusation, No. 3852 shall be deemed
17 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
18 other proceeding seeking to deny or restrict licensure.

19 20. Respondent may not apply for any license, permit, or registration from the board for
20 three (3) years from the effective date of this decision. Respondent stipulates that should he or she
21 apply for any license from the board on or after the effective date of this decision, all allegations
22 set forth in the accusation shall be deemed to be true, correct and admitted by respondent when
23 the board determines whether to grant or deny the application. Respondent shall satisfy all
24 requirements applicable to that license as of the date the application is submitted to the board,
25 including, but not limited to certification by a nationally recognized body prior to the issuance of
26 a new license. Respondent is required to report this surrender as disciplinary action.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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: Monday June 6th 2011 Sevak Ghazarian
SEVAK GHAZARIAN
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: June __, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

LA2010600992
60635226.doc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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: _____

SEVAK GHAZARIAN
Respondent

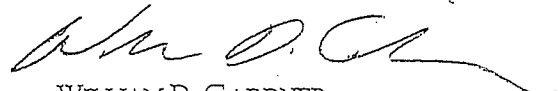
ENDORSEMENT

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: June 6, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

LA2010600992
60635226.doc

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **SEVAK GHAZARIAN**
12 **1760 Gardena Ave., #220**
13 **Glendale, CA 91204**
Pharmacy Technician Registration No. TCH
14 **76239**
15 Respondent.

Case No. 3852

ACCUSATION

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about May 31, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 76239 to Sevak Ghazarian (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on September 30, 2012, unless renewed.

25 **JURISDICTION**

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

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3

4 (1) The conviction of a crime substantially related to the qualifications, functions, and
5 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
6 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
7 substances or of a violation of the statutes of this state regulating controlled substances or
8 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
9 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
10 The board may inquire into the circumstances surrounding the commission of the crime, in order
11 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
12 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
13 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
14 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
15 of this provision. The board may take action when the time for appeal has elapsed, or the
16 judgment of conviction has been affirmed on appeal or when an order granting probation is made
17 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
18 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
19 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
20 indictment."

21 **REGULATORY PROVISIONS**

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

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

1 COST RECOVERY

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Criminal Conviction)

8 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
9 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1770, in
10 that Respondent was convicted of a crime which is substantially related to the qualifications,
11 functions, or duties of a pharmacy technician, as follows:

- 12 a. On or about November 2, 2009 in the criminal matter entitled *The People of the State of*
13 *California vs. Seyak Ghazarian* (Super. Ct. County of Los Angeles, 2009, No.
14 9VY04130), Respondent entered a plea of guilty to a violation of California Vehicle
15 Code section 23152 (b), driving with a blood alcohol level of .08% or above.
16 Respondent was placed on probation for a period of three years. Among the terms of
17 probation were that Respondent was ordered to attend eight Alcoholics Anonymous
18 classes, pay court fines, complete the Department of Motor Vehicles' alcohol education
19 program, and totally abstain from the use of alcohol.
- 20 b. The basis for the conviction was that on or about September 13, 2009, at 3:40 a.m., an
21 Officer with the California Highway Patrol initiated a traffic enforcement stop on
22 Respondent's vehicle as Respondent was driving 80 mph on the Hollywood Freeway
23 with a blood alcohol level later determined to be .11%.

24 SECOND CAUSE FOR DISCIPLINE

25 (Dangerous Use of Alcohol)

26 11. Respondent is subject to disciplinary action under sections 4301, subdivision (h) of
27 the Code in that Respondent unlawfully used alcohol to an extent or in a manner dangerous or
28 injurious to himself, to any person, or the public to the extent that such use impairs his ability to

1 conduct with safety to the public the practice authorized by his license. The circumstances are as
2 more particularly described in paragraph 10, subdivisions (a) and (b), inclusive, above, and are
3 herein incorporated by reference.

4 **THIRD CAUSE FOR DISCIPLINE**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (g) of
6 the Code in that Respondent knowingly signed a document that falsely represented the existence
7 of a state of facts as follows:

8 13. On or about January 16, 2003, in the criminal matter entitled *People v. Ghazarian*
9 (Super. Court Los Angeles 2003) case number 3G100099, Respondent was convicted of a
10 misdemeanor violation of Penal Code section 415 (2) disturbing the peace. Respondent was
11 placed on probation for a period of one year, ordered to do two days of community service with
12 Cal-Trans, and pay a restitution fine. The matter was later dismissed pursuant to Penal Code
13 section 1203.4

14 14. The basis for the conviction was that on or about December 23, 2002, officers with
15 the Glendale Police Department located marijuana in the roof mounted center console of the
16 vehicle that Respondent was driving.

17 15. On or March 8, 2007, Respondent submitted his application to the Board for
18 registration as a pharmacy technician.

19 16. The application included the following question: "Have you ever been convicted of or
20 pled no contest to a violation of any law of a foreign country, the United States or any state laws
21 or local ordinances? You must include all misdemeanor and felony conviction, regardless of the
22 age of the conviction, including those which have been set aside under Penal Code section
23 1203.4. Traffic violations of \$500 or less need not be reported. If "yes," attach an explanation
24 including the type of violation, the date, circumstances, location and the complete penalty
25 received. In addition to this written explanation, please provide the Board of Pharmacy with
26 certified copies of al pertinent court documents or arrests reports relating to this conviction."

27 17. To this question, Respondent answered, "No."
28

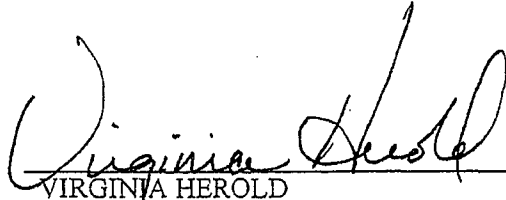
1 18. Respondent then signed the applicant affidavit as follows, "I, Sevak Ghazarian,
2 hereby attest to the fact that I am the applicant whose signature appears below. I understand that
3 falsification of the information on this form may constitute grounds for denial or revocation of the
4 license. I hereby certify under penalty of perjury under the laws of the State of California to the
5 truth and accuracy of all statements, answers and representations made in this application,
6 including all supplementary statements. I also certify that I have read and understand the
7 instructions attached to this application."

8 PRAYER

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 76239,
12 issued to Sevak Ghazarian;
- 13 2. Ordering Sevak Ghazarian to pay the Board of Pharmacy the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18
19 DATED: 11/17/10


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

20
21
22
23
24 LA2010600992
25 60568681.doc
26
27
28