

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

In the Matter of the Accusation Against:

Case No. 4301

**POULET DERZAKHARIAN**

634 E Angeleno #B

Burbank, CA 91501

Pharmacy Technician Registration

No. TCH 41640

OAH No. 2013040738

Respondent.

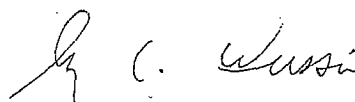
**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 13, 2014.

It is so ORDERED on December 13, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

STAN C. WEISSER  
Board President

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POULET DERZAKHARIAN,

Respondent.

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**PROPOSED DECISION**

This matter was heard by Erlinda G. Shrenger, Administrative Law Judge, Office of Administrative Hearings, State of California, on October 2, 2013, in Los Angeles, California.

Michael Brown, Deputy Attorney General, represented Complainant.

Respondent Poulet Derzakharian represented herself.

Oral and documentary evidence was received, and argument was heard. The matter was submitted and the record was closed on October 2, 2013.

**FACTUAL FINDINGS**

1. On March 1, 2013, Virginia Herold (Complainant) filed the Accusation in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), State of California.

2. On December 27, 2002, the Board issued pharmacy technician registration number TCH 41640 to Poulet Derzakharian (Respondent). The registration was in full force and effect at all relevant times and will expire on December 31, 2014, unless renewed.

*Controlled Substances / Dangerous Drugs*

3. Vicodin (generic name: hydrocodone/acetaminophen) is a Schedule III controlled substance under Health and Safety Code section 11056, subdivision (e)(4), and a dangerous drug under Business and Professions Code section 4022. Oxycodone is a Schedule II controlled substance under Health and Safety Code section 11055, subdivision (b)(1), and a dangerous drug under Business and Professions Code section 4022.

### *Role of Pharmacy Technician*

4. A licensed pharmacy technician functions as the "right-hand man" of the pharmacist-in-charge. A pharmacy technician has full access to medications. The technician must read prescriptions, input information in the computer, and measure out drugs and medications for prescriptions. The pharmacist-in-charge must review and verify that the technician's work is correct. Thus, a pharmacist must be able to trust the pharmacy technician because the pharmacist is signing off on the technician's work.

### *Respondent's Conviction*

5. (A) On October 28, 2011, in the Superior Court, County of Los Angeles, case number LA069226, Respondent was convicted on her plea of guilty to one count of violating Health and Safety Code section 11350, subdivision (a) (possession of controlled substance--Vicodin), a felony.

(B) The court records established that Respondent was placed on deferred entry of judgment (DEJ) for a period of three years. Respondent was ordered, among other things, to enroll in and complete an approved controlled substance treatment program, enroll in a plan for drug abuse counseling, treatment and rehabilitation, and not use or possess any narcotics, dangerous or restricted drugs or associated paraphernalia except with a valid prescription and stay away from places where users or sellers congregate.

(C) The court records further established that Respondent filed proof of completion of the DEJ program on April 25, 2012. The court records established that on April 25, 2013, the court ordered the deferred judgment term and Respondent's plea set aside pursuant to Penal Code section 1000.3.<sup>1</sup>

6. (A) The facts and circumstances underlying the conviction are: On October 21, 2011, at approximately 8 p.m., two uniformed officers of the Los Angeles Police Department were patrolling in a marked police car in an area known for a high level of narcotic activity. The officers pulled into a parking lot and saw a man (later identified as suspect DH) standing in the parking lot next to a black four-door BMW. The BMW's engine was running and the headlights were on. The officers also saw a red Ford Mustang (later identified as belonging to Respondent) parked nearby with the driver door open. As the officers' police vehicle pulled into the parking lot, the officers saw DH look in their direction and then quickly turn away and walk towards the red Mustang. The officers saw DH walking at a rapid pace. He appeared nervous and looked over his shoulder multiple times as he walked towards the open door of the Mustang. The officers saw the BMW drive out of the parking lot. Based on the observed actions of DH, the officers parked behind the red Mustang and approached to investigate possible narcotics activity.

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<sup>1</sup> Penal Code section 1000.3 provides, in pertinent part: "If the defendant has performed satisfactorily during the period in which deferred entry of judgment was granted, at the end of that period, the criminal charge or charges shall be dismissed."

(B) The two officers approached the red Mustang, one of them going to the driver's side and the other going to the passenger side. Respondent was seated in the front passenger seat, and DH was sitting in the driver's seat. The officers saw that DH was visibly nervous and his hands were shaking. One of the officers saw a plastic baggie containing yellow pills on the passenger seat tucked along Respondent's left thigh. At the officers' request, Respondent handed the baggie to one of the officers through the passenger window. The officers examined the pills in the baggie. There were five yellow oval pills scored with "V 3610" resembling Vicodin, and 13 blue round pills scored with "A 215" resembling Oxycodone.

(C) During her interview by police at the scene, Respondent stated that DH knew a friend that would be able to get Vicodin, and she was going to give DH \$40 for some of the Vicodin pills. Respondent stated that she waited in the car while DH met with his friend in the BMW. She stated that DH put the pills next to her leg after the police car parked behind them. Respondent stated that "she knew it looked kinda bad," and that "she was sorry and she knew it was a mistake to get the [V]icodin from a friend."

(D) Based on the statements made by Respondent and DH at the scene, the officers arrested both of them for possession of Vicodin in violation of Health and Safety Code section 11350, subdivision (a).

7. Respondent also gave a signed written statement to the police. Respondent wrote, in pertinent part: "I brought my car to that city to get Vicodin for my finger pain. I let my close friend drive my car. I do not live in that city though, I live in Burbank. I just needed Vicodin for my finger pain. My friend met his friend, whom I don't know, in order to get them. This is the only time I did that. I have a prescription for it, but it's not with me or in my car. I told my friend I will pay him \$40 dollars [sic] for the Vicodin later. I don't have the money right now for it. I did not grab the Vicodin. My friend put it to the side of my leg. . . . I am not sick and I'm not injured. My finger is just in the healing process and I needed Vicodin (just a few) for the pain." (Exh. 7, p. 7.)

8. At this hearing, Respondent's testimony regarding the incident was not straightforward and was inconsistent with her prior statements to the police. She was hesitant and gave differing explanations for the incident. She testified that the Vicodin was not for her use; she was just being nice and giving a ride; she was a victim; she was tricked; she wanted the Vicodin for someone else; and she did not know DH's intentions or that he was "the type of person who would do that." Respondent failed to explain the circumstances of how she was tricked or victimized. She testified that she did not offer money to DH to buy some of the Vicodin pills. But when shown her written statement to the contrary, Respondent admitted that she "probably" made the statement. Respondent's testimony was not credible, as it lacked the clarity, consistency, and certainty indicative of credibility. Her testimony was insufficient to establish mitigation for her criminal offense.

### *Respondent's Evidence*

9. Respondent is 32 years old. She received her pharmacy degree in 2002 from North-West College. She has been licensed by the Board as a pharmacy technician since December 27, 2002. She has no history of prior discipline by the Board against her license.

10. Respondent is not currently employed. She is a full-time student at Burbank Adult School, where she is working towards obtaining a certificate in billing and coding. She expects to receive her coding certificate in a few months. Prior to attending Burbank Adult School, Respondent worked as a pharmacy technician at a Sav-On Pharmacy in Burbank and at Kenneth Village Pharmacy.

11. Respondent testified that she lives with and takes care of her mother. Respondent testified that she financially supports herself. She gave no further explanation of how she supports herself while not employed other than stating, "I have money." When asked about her financial ability to pay any costs that may be awarded to the Board in this case, Respondent testified that she is unable to pay any costs at this time, but she did not explain why. Respondent testified that she gives piano lessons to children at her home a few days per week.

12. Respondent testified she is a respectable person, a good pharmacy technician, and she loves her license. Regarding her crime, she testified that "nothing like this will happen again." Respondent did not present any character reference letters or performance evaluations from any previous employer to corroborate this testimony.

### *Cost Recovery*

13. The reasonable cost of the investigation and prosecution incurred by the Board in this case is \$4,135.

### LEGAL CONCLUSIONS

1. Business and Professions Code section 4301 provides, in pertinent part: "The board shall take action against any holder of a license who is guilty of unprofessional conduct." Section 4301 defines the term "unprofessional conduct" as including the following:

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

Subdivision (l): The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . [T]he record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or

verdict of guilty . . . is deemed to be a conviction within the meaning of this provision. . . .

2. Business and Professions Code section 490, subdivision (a), provides in pertinent part that "a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued." Subdivision (c) provides in part: "A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere."

3. Under Health and Safety Code section 11350, subdivision (a), it is unlawful for a person to possess controlled substances specified in the statute except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state. The controlled substances specified in section 11350, subdivision (a), include, but are not limited to, those classified as Schedule III or those specified in Health and Safety Code section 11055, subdivision (b). Vicodin and Oxycodone fall within the definition of controlled substances under section 11350, subdivision (a).

4. Business and Professions Code section 4060 provides, in part, that "[n]o person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician."

5. Cause exists to suspend or revoke Respondent's pharmacy technician registration, pursuant to Business and Professions Code sections 490 and 4301, subdivision (1), in that Respondent was convicted of possession of a controlled substance (Vicodin) in violation of Health and Safety Code section 11350, subdivision (a), which is a crime substantially related to the qualifications, functions and duties of a licensed pharmacy technician, based on Factual Findings 5 and 6.

6. A crime shall be considered "substantially related" 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." (Cal. Code Regs., tit. 16, § 1770.) Respondent's conviction for possession of a controlled substance in violation of Health and Safety Code section 11350 falls within the definition of "substantial relationship." Her actions evidence a present or potential unfitness to discharge the duties of a licensed pharmacy technician.

7. Cause exists to suspend or revoke Respondent's pharmacy technician registration, pursuant to Business and Professions Code section 4301, subdivision (j), in that Respondent was in possession of Vicodin and Oxycodone without prescriptions, in violation of Business and Professions Code section 4060 and Health and Safety Code section 11350, based on Factual Findings 5 and 6.

8. Administrative proceedings to revoke, suspend or impose discipline on a professional license are non-criminal and non-penal; they are not intended to punish the

licensee, but rather to protect the public. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 785-786.)

9. The Board has developed Disciplinary Guidelines (Rev. 10/2007) (Guidelines), which are incorporated by reference in the Board's regulations at California Code of Regulations, title 16, section 1760.

10. The Guidelines classify categories of violations and recommended penalties as Category I, II or III. In this case, Respondent's violations under Business and Professions Code section 4301 are classified as Category II, which are for violations with a serious potential for harm, involve greater disregard for pharmacy law and public safety, or reflect on ethics or care exercised or competence. The maximum penalty for Category II violations is revocation, and the minimum penalty is revocation stayed, three years probation. (Guidelines, pp. 73-76.)

11. The Guidelines set forth factors that have been considered in determining the level of discipline to be imposed in this case. The factors include: actual or potential harm to the public or any consumer; prior disciplinary record; prior warning(s); number and/or variety of current violations; nature and severity of the acts or offenses under consideration; aggravating evidence; mitigating evidence; rehabilitation evidence; time passed since the act(s) or offense(s); whether the conduct was intentional or negligent, demonstrated incompetence, or, if the respondent is being held to account for conduct committed by another, the respondent had knowledge of or knowingly participated in such conduct; and financial benefit to the respondent from the misconduct. (Guidelines, p. 3.)

12. The revocation of Respondent's pharmacy technician registration is necessary in the interest of public protection. It is noted that Respondent has no history of prior discipline against her pharmacy technician registration, and there is no evidence she has any other criminal convictions. However, Respondent was convicted of a serious, drug-related crime that raises concerns about her ability to carry out the duties of a pharmacy technician in an honest and safe manner. Respondent was unlawfully in possession of a controlled substance without a prescription. She allowed suspect DH to drive both of them in her car to an area of known narcotic activity for the purpose of buying Vicodin from a third party in a parking lot. She offered to pay DH \$40 for some of the Vicodin. Based on the circumstances of the transaction, Respondent was an intentional and knowing participant in the transaction. As a licensed pharmacy technician, Respondent should have known that the transaction violated laws regulating controlled substances, dangerous drugs, and the practice of pharmacy. No mitigation was established by the evidence.

13. There has been insufficient time for Respondent to demonstrate rehabilitation from her crime. Two years have passed since she committed her criminal offense in 2011. During those two years, Respondent was under the supervision of the court's deferred entry of judgment program. Respondent complied with the terms of the DEJ program. However, her good behavior in the past two years is entitled to little weight as evidence of

rehabilitation, since people have a strong incentive to obey the law while under the supervision of the criminal justice system. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.)

14. Most importantly, Respondent was not truthful and honest when testifying at this hearing about her crime. Her testimony was inconsistent with her prior statements to the police. She was hesitant and not forthcoming in responding to questions. She gave differing explanations for the October 21, 2011 incident. It is apparent that she does not fully appreciate and understand her obligation to be honest and truthful in all matters concerning her registration as a pharmacy technician, including testifying at an administrative disciplinary hearing regarding her registration. Respondent lacks the requisite honesty and trustworthiness to carry out the duties of a registered pharmacy technician consistent with the public health, safety, and welfare. Public protection requires the revocation of Respondent's pharmacy technician registration.

15. Cause exists to direct Respondent to pay the reasonable cost of investigation and enforcement of this matter pursuant to Business and Professions Code section 125.3. The reasonable cost of the investigation and enforcement of this matter is \$4,135. (Factual Finding 13.) However, since Respondent is currently attending school full-time and not employed, she will be required to pay the Board's costs only as a condition precedent to the reapplication or reinstatement of her revoked technician registration, as set forth in the Order below.


#### ORDER

Pharmacy technician registration number TCH 41640, issued to Respondent Poulet Derzakharian, is revoked. Respondent shall relinquish her technician registration to the Board within ten (10) days of the effective date of this decision. Respondent may not reapply or petition the Board for reinstatement of her revoked technician registration for three (3) years from the effective date of this decision.

A condition of reinstatement shall be that Respondent is certified as defined in Business and Professions Code section 4202, subdivision (a)(4), and provides satisfactory proof of certification to the Board.

As a condition precedent to reinstatement of her revoked technician registration, Respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$4,135. Said amount shall be paid in full prior to the reapplication or reinstatement of her revoked technician registration, unless otherwise ordered by the Board.

DATED: October 17, 2013

  
ERLINDA G. SHRENGER  
Administrative Law Judge  
Office of Administrative Hearings



1 KAMALA D. HARRIS  
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7 *Attorneys for Complainant*

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

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11 In the Matter of the Accusation Against:

Case No. 4301

12 **POULET DERZAKHARIAN**

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

13 634 E. Angeleno #B  
Burbank, CA 91501

14 Pharmacy Technician Registration  
No. TCH 41640

15

Respondent.

16

17

18 Complainant alleges:

19

**PARTIES**

20

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

22

2. On or about December 27, 2002, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician Registration No. TCH 41640 to Poulet Derzakharian (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on December 31, 2014, unless renewed.

26

**JURISDICTION**

27

28

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

1 STATUTORY PROVISIONS

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

5 5. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
9 or profession for which the license was issued.

10 "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
11 discipline a licensee for conviction of a crime that is independent of the authority granted under  
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
13 of the business or profession for which the licensee's license was issued.

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
18 made suspending the imposition of sentence, irrespective of a subsequent order under the  
19 provisions of Section 1203.4 of the Penal Code."

20 6. Section 492 states:

21 "Notwithstanding any other provision of law, successful completion of any diversion  
22 program under the Penal Code, or successful completion of an alcohol and drug problem  
23 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of  
24 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
25 commencing with Section 500) of this code, or any initiative act referred to in that division, from  
26 taking disciplinary action against a licensee or from denying a license for professional  
27 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record  
28 pertaining to an arrest. This section shall not be construed to apply to any drug diversion program

1 operated by any agency established under Division 2 (commencing with Section 500) of this  
2 code, or any initiative act referred to in that division."

3 7. Section 4060 states, in pertinent part:

4 "No person shall possess any controlled substance, except that furnished to a person upon  
5 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
6 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
7 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician  
8 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a  
9 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the  
10 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,  
11 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-  
12 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled  
13 with the name and address of the supplier or producer. "

14 8. Section 4300 provides, in pertinent part, that every license issued by the Board is  
15 subject to discipline, including suspension or revocation.

16 9. Section 4301 states, in pertinent part:

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

20 . . . .

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

23 . . . .

24 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
25 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
26 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
27 substances or of a violation of the statutes of this state regulating controlled substances or  
28 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the

1 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
2 The board may inquire into the circumstances surrounding the commission of the crime, in order  
3 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
4 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
5 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
6 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
7 of this provision. The board may take action when the time for appeal has elapsed, or the  
8 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
9 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
10 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
11 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
12 indictment."

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

#### 17 REGULATORY PROVISIONS

18 10. California Code of Regulations, title 16, section 1770 states, in pertinent part:  
19 "For the purpose of denial, suspension, or revocation of a personal or facility license  
20 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
21 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
22 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
23 licensee or registrant to perform the functions authorized by his license or registration in a manner  
24 consistent with the public health, safety, or welfare."

#### 25 HEALTH AND SAFETY CODE SECTIONS

26 11. Health and Safety Code section 11550(a), states:  
27 "No person shall use, or be under the influence of any controlled substance which is (1)  
28 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,

1 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified  
2 in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d)  
3 or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in  
4 Schedule III, IV, or V, except when administered by or under the direction of a person licensed  
5 by the state to dispense, prescribe, or administer controlled substances.”

#### 6 COST RECOVERY

7 11. Section 125.3 states, in pertinent part, that the Board may request the administrative  
8 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
9 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
10 case.

#### 11 CONTROLLED SUBSTANCE

12 a. “Oxycodone,” is a Schedule II controlled substance as designated by Health and  
13 Safety Code section 11055, subdivision (b)(1) and is categorized as a dangerous drug pursuant to  
14 section 4022.

15 b. “Vicodin”, is a schedule III controlled substance as designated in Health and Safety  
16 Code section 11056, subdivision (e)(4) and is categorized as a dangerous drug pursuant to  
17 sections 4022.

#### 18 FIRST CAUSE FOR DISCIPLINE

##### 19 (Conviction of a Substantially Related Crime)

20 12. Respondent is subject to disciplinary action under sections 490, 4301, subdivision (l),  
21 in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
22 convicted of a crime substantially related to the qualifications, functions, or duties of a licensee  
23 which to a substantial degree evidence the present or potential unfitness of a licensee to perform  
24 the functions authorized by her license or registration in a manner consistent with the public  
25 health, safety, or welfare. The circumstances are as follows:

26 a. On or about October 21, 2011, while patrolling an area known for a high level of  
27 narcotic activity by the Los Angeles Police Department, Respondent was contacted. The officer  
28 approached a parked vehicle and used a flashlight to illuminate the passenger side of the vehicle

1 where he observed a plastic baggie containing yellow pills tucked under Respondent's left thigh.  
2 The plastic baggie that was recovered contained 5 oval pills scored with "V-3610" resembling  
3 Vicodin and 13 blue round pills scored with "A-215" resembling Oxycodone. Respondent stated  
4 that D.H., the driver of the car, knew a friend that would be able to get Vicodin. She also stated  
5 that she was going to give D.H. \$40 for some Vicodin pills. Respondent was subsequently  
6 arrested for violating Health and Safety Code section 11350, subdivision (a) [possession of a  
7 controlled substance]. Subsequently on or about October 25, 2011 a criminal case was filed  
8 against Respondent, charging her with one felony count of violating Health and Safety Code  
9 section 11350, subdivision (a) [possession of a controlled substance] in the criminal proceeding  
10 entitled *The People of the State of California v. Poulet Derzakharian* (Super. Ct. Los Angeles  
11 County, 2011, No. LA069226). On or about October 28, 2011, after pleading guilty, the Court  
12 placed Respondent on deferred entry of judgment for a period of 3 years.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Possession of a Controlled Substance)**

15 13. Respondent is subject to disciplinary action under section 4301, subdivision (j), for  
16 violating section 4060, on the grounds of unprofessional conduct, in that Respondent was found  
17 to be in possession of a controlled substance, as more fully described in paragraph 12, above.

18 **PRAYER**

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

- 21 1. Revoking or suspending Pharmacy Technician Registration No. TCH 41640, issued  
22 to Poulet Derzakharian;
- 23 2. Ordering Poulet Derzakharian to pay the Board the reasonable costs of the  
24 investigation and enforcement of this case, pursuant to section 125.3; and
- 25 3. Taking such other and further action as deemed necessary and proper.

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DATED:

3/1/13



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

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mc (1/28/13)