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8,	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. 5208		
12	VARDUI ROSE PNDLYAN	Case 140, 3206		
13	711 E. Acacia # F Glendale, CA 91205	DEFAULT DECISION AND ORDER		
14	Pharmacy Technician License No. TCH 6073	DESTRUCTION OF THE OTHER		
15	Respondent.	[Gov. Code, §11520]		
16				
17	FINDINGS OF FACT			
18	1. On or about December 21, 2015, Complainant Virginia K. Herold, in her official			
19	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,			
20	filed Accusation No. 5208 against Vardui Rose Pndlyan (Respondent) before the Board of			
21	Pharmacy. (Accusation attached as Exhibit A.)			
22	2. On or about March 23, 1993, the Board of Pharmacy (Board) issued Pharmacy			
23	Technician License No. TCH 6073 to Respondent. The Pharmacy Technician License was in ful			
24	force and effect at all times relevant to the charges brought in Accusation No. 5208 and will			
25	expire on September 30, 2016, unless renewed. Pursuant to Business and Professions Code			
26	section 4300.1, any lapse in licensure due to expiration or otherwise would not deprive the Board			
27	of its authority to institute or continue this disciplinary proceeding.			
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(VARDUI ROSE PNDLYAN) DEFAULT DECISION & ORDER (Case No. 5208)

- 3. On or about January 5, 2016, Respondent was served by Certified and First Class Mail copies of Accusation No. 5208; a Statement to Respondent; a Notice of Defense; a Request for Discovery; and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7), at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is 711 E. Acacia # F, Glendale, CA 91205.
- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and Business and Professions Code section 124.
 - 5. Government Code section 11506(c) states, in pertinent part:
 - (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5208.
 - 7. California Government Code section 11520(a) states, in pertinent part:
 - (a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent
- 8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 5208, finds that the charges and allegations in Accusation No. 5208, are separately and severally, found to be true and correct by clear and convincing evidence.
- 9. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement in this case are \$2,170.50 as of September 19, 2016.

DETERMINATION OF ISSUES

- Based on the foregoing findings of fact, Respondent Vardui Rose Pndlyan has subjected her Pharmacy Technician License No. TCH 6073 to discipline.
 - 2. The agency has jurisdiction to adjudicate this case by default.
- 3. 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 in this case.:
- a. In violation of Business and Professions Code section(s) 4301(l) and/or 490, by reference to California Code of Regulations, title 16, section 1770, Respondent was convicted of substantially related crime(s), in that on or about October 23, 2014, in *People of the State of New York v. Garegin Spartalyan, et al.*, Case No. 00202-2014 in the Supreme Court of the State of New York, New York County, Respondent was convicted of violating New York Penal Law section 470.05, subdivision (2) (Attempted Money Laundering in the Fourth Degree).
- b. In violation of Business and Professions Code section 4301, with regard to the conduct leading to the conviction above, Respondent engaged in unprofessional conduct.

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ORDER IT IS SO ORDERED that Pharmacy Technician License No. TCH 6073, heretofore issued to Respondent Vardui Rose Pndlyan, is revoked. Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute. This Decision shall become effective at 5:00 p.m. on November 14, 2016. It is so ORDERED on October 14, 2016. **BOARD OF PHARMACY** DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA By Amy Gutierrez, Pharm.D. **Board President** 41599294.DOC; DOJ Matter ID:SF2014408600 Attachment: Exhibit A: Accusation

Exhibit A

Accusation

1						
2	Senior Assistant Attorney General JOSHUA A. ROOM Supervising Deputy Attorney General					
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5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 703-1299					
6						
7	Facsimile: (415) 703-5480 Attorneys for Complainant					
	BEFORE THE					
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS					
9	STATE (OF CALIFORNIA				
10	In the Matter of the Accusation Against:	Case No. 5208				
11	VARDUI ROSE PNDLYAN					
12	711 E. Acacia # F Glendale, CA 91205 ACCUSATION					
13	Pharmacy Technician License No. TCH 6					
14						
15	Respon	dent.				
16	Complainant alleges:					
17		PARTIES				
18	1. Virginia Herold (Complainant) b	rings this Accusation solely in her official capacity				
19	as the Executive Officer of the Board of Pha	rmacy, Department of Consumer Affairs.				
20	2. On or about March 23, 1993, the Board of Pharmacy issued Pharmacy Technician					
21	License Number TCH 6073 to Vardui Rose Pndlyan (Respondent). The Pharmacy Technician					
22	License was in full force and effect at all times relevant to the charges brought herein and will					
23	expire on September 30, 2016, unless renewed.					
24	<u>JURISDICTION</u>					
25	3. This Accusation is brought before the Board of Pharmacy (Board), Department of					
26	Consumer Affairs, under the authority of the following laws. All section references are to the					
27	Business and Professions Code (Code) unless otherwise indicated.					
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- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY AND REGULATORY PROVISIONS

- 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:
- (l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.
- 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.
 - 9. California Code of Regulations, title 16, section 1770, states:

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

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1	10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the			
2	administrative law judge to direct a licentiate found to have committed a violation of the licensin			
3	act to pay a sum not to exceed its reasonable costs of investigation and enforcement.			
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7	FIRST CAUSE FOR DISCIPLINE			
8	(Conviction of Substantially Related Crime(s))			
9	11. Respondent is subject to discipline under section 4301(I) and/or section 490 of the			
10	Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of			
11	substantially related crime(s), in that on or about October 23, 2014, in the criminal case People of			
12	the State of New York v. Garegin Spartalyan, et al., Case No. 00202-2014 in the Supreme Court			
13	of the State of New York, New York County, Respondent was convicted of violating New York			
14	Penal Law section 470.05, subdivision (2) (Attempted Money Laundering in the Fourth Degree).			
15	Respondent was given a conditional discharge for one (1) year, required to perform fifty (50)			
16	hours of community service, and required to pay fines and fees.			
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20	SECOND CAUSE FOR DISCIPLINE			
21	(Unprofessional Conduct)			
22	12. Respondent is subject to discipline under section 4301 of the Code in that, as			
23	described in paragraph 11 above, Respondent engaged in unprofessional conduct.			
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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 License Number TCH 6073, issued to Vardui Rose Pndlyan (Respondent);
- 2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED:	12	<u> </u> 21	115

VIRGINIA HEROLD

Executive Officer Board of Pharmacy

Department of Consumer Affairs

State of California Complainant

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