

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

In the Matter of the Statement of Issues Against:

MARIANNA ALBARYAN,

Respondent.

Case No. 4948

OAH No. 2014060882

**DECISION AND ORDER**

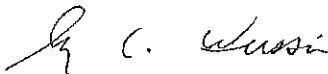
The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on June 12, 2015.

It is so ORDERED on May 13, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STAN C. WEISSER  
Board President

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

In the Matter of the Statement of Issues  
Against:

MARIANNA ALBARYAN,

Respondent.

Case No. 4948

OAH No. 2014060882

**PROPOSED DECISION**

Irina Tentser, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on April 7, 2015, at Los Angeles, California.

Michael A. Cacciotti, Deputy Attorney General, represented Executive Officer Virginia Herold (Complainant) of the Board of Pharmacy (Board).

Narine Mkrtychyan, Attorney at Law, represented respondent Marianna Albaryan (Respondent), who was present.

The Board denied Respondent's application for registration as a Pharmacy Technician based on allegations that Respondent was convicted of a substantially related crime, knowingly made a false statement of fact, and engaged in acts warranting denial of licensure. Respondent presented evidence that she was entitled to registration as a Pharmacy Technician.

Oral and documentary evidence was received. The record was closed and the matter was submitted on April 7, 2015.

**FACTUAL FINDINGS**

1. Virginia Herold made the Statement of Issues in her official capacity as the Executive Officer of the Board, an agency within the Department of Consumer Affairs.

2. Respondent filed an application for registration as a Pharmacy Technician with the Board on or about March 1, 2013. The application was denied and this hearing took place.

3. Respondent's application was denied by the Board based on Respondent's April 16, 2010 conviction and failure to disclose her conviction on her application for licensure, as described below.

4. On April 16, 2010, in the Superior Court, County of Los Angeles, State of California, case number PA065087-02, Respondent was convicted on her plea of nolo contendere to one felony count of violating Penal Code section 32 (accessory).

5. At hearing, Respondent provided uncorroborated testimony that she was convicted for a misdemeanor count of violating Penal Code section 32. Respondent further testified that she believed that her conviction was for a misdemeanor based on the information provided to her by her attorney in the criminal action. In addition, Respondent's hearing counsel argued that the fact that the court placed Respondent on summary probation supported the finding that the conviction was for a misdemeanor count. Respondent's hearsay-based hearing testimony and her attorney's argument are contradicted by the certified copy of the docket in the criminal proceeding of *The People of the State of California v. Mariana Albaryan*, wherein it specifically states, "DEFENDANT'S MOTION TO REDUCE COUNT 4 TO A MISDEMEANOR PURSUANT TO SECTION 17B OF THE PENAL CODE IS HEARD AND DENIED." (Ex. 4 at p. DISC-AGO-00034.) Accordingly, the weight of the credible evidence supports the finding that Respondent was convicted of a felony, rather than misdemeanor count, of violating Penal Code section 32.

6. The Court suspended imposition of Respondent's sentence and placed her on summary probation for three years. The terms and conditions of Respondent's probation included two days in the county jail (with credit for one day served), payment of fines and assessments, performance of 50 hours of community service, and completion of counseling through dependency court.

7. Respondent complied with the terms and conditions of probation. There is no evidence that the conviction has been expunged as of the date of the hearing or that she had any subsequent arrests or convictions since her 2009 conviction.

8. The conviction arose from Respondent's actions on July 26, 2009. Los Angeles Police Officers responded to a call of a vehicle colliding with three parked cars. The responding officers asked who the driver of the vehicle was after they arrived on the scene. Respondent responded, "I was the driver." (Ex. 5 at pg. DISC-AGO-00019.) However, additional police investigation revealed that the driver of the vehicle was not Respondent. Rather, her husband had been driving the vehicle while under the influence of alcohol. Because Respondent's then approximately seven and four year-old children were in the vehicle at the time of the collision, a felony warrant was issued to Respondent for two counts of violating

Penal Code section 273, subdivision (a) (willful cruelty to child) and Penal Code section 32 (accessory).

9. In the existing circumstances, Respondent's felony accessory conviction is a crime that is substantially related to a pharmacy technicians functions, duties and qualification because it was based on a dishonest act that impugns Respondent's trustworthiness. The Board's investigator, Suzy Patell, testified that the pharmacy technician functions in a position of trust at a pharmacy. While the pharmacist is ultimately responsible for what happens in a pharmacy and the level of pharmacy technician responsibility varies based on the specific pharmacist in charge of a pharmacy, the pharmacist relies on the pharmacy technician to carry out essential functions.<sup>1</sup> Accordingly, Ms. Patell testified, a pharmacy technician must possess the trait of trustworthiness. Consumers are vulnerable when a pharmacy technician is dishonest because they are entrusted with patients' sensitive health issues and dangerous drugs on a daily basis.

10. At hearing, Respondent testified that she did not know that her husband had been drinking the night of the accident until after he collided with the parked cars and told her he had been drinking. She further testified that she "mistakenly" said she was the driver of the vehicle because she was "confused" and "scared." In addition, Respondent testified that after initially telling police officers she was the driver, she then admitted to the officers a few minutes later that she was not the driver at the scene. The basis for lying to the police officers, according to Respondent, was to protect her children, who she feared would be taken away from her if she disclosed that her husband, who was under the influence of alcohol, was the driver.

11. Respondent sought to deflect responsibility for her untruthful actions on the influence of other unspecified "people," whom, she testified, told her to tell the police that she was the driver. In addition, she attempted to minimize the seriousness of her actions. Her testimony that she did not know that her husband was drinking until after the accident occurred lacks credibility based on the contemporaneous observations of police officer White, as contained in the police report, "[A]s he spoke, I could smell a strong odor of an unknown alcoholic beverage emitting from his mouth. I observed him to be very unsteady, and he appeared to have difficulty maintaining his balance as he stood in front of me." (Ex. 5 at p. DISC-AGO-00019.) The officer further wrote, "[Respondent's husband] displayed the following distinct and objective symptoms of intoxication: A very strong odor of an unknown alcoholic beverage emitting from his mouth as he spoke. His eyes were bloodshot and watery. His speech was slurred. He was very unbalanced as he stood in one place. He had a very unsteady gait as he walked." (Ex. 5 at p. DISC-AGO-00019.) Her husband's obvious symptoms of intoxication should have also been apparent to Respondent.

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<sup>1</sup> Business and Professions Code section 1793.2 describes the nondiscretionary tasks of a pharmacy technician as "removing the drug or drugs from stock," "counting, pouring, or mixing pharmaceuticals," "placing the product into a container," "affixing the label or labels to the container," and "packaging and repackaging."

Respondent's testimony that she recanted her statement at the scene that she was the driver of the vehicle is uncorroborated. Finally, Respondent could not logically explain at hearing how taking the blame for her husband's actions by falsely indicating to police officers that she was the driver of the vehicle had the effect of protecting her children. The more likely explanation, based on the totality of the circumstances, for Respondent's falsehood was to protect her husband because she was aware that he was under the influence of alcohol at the time of the accident.

12. Respondent did not disclose her 2009 felony conviction on her Pharmacy Technician Application. (Ex. 3 at p. DISC-AGO-0005.) However, question 7 asks, "Have you ever been convicted of any crime in any state, the USA and its territories, military court or foreign country?" (Ex. 3 at p. DISC-AGO-0005.) Directly below question 7 is a paragraph that states, "Check the box next to "Yes" if you have ever been convicted or plead guilty to any crime. "Conviction" includes a plea of no contest and any conviction that has been set aside or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code, including infractions, misdemeanors, and felonies. . . ." (Ex. 3 at p. DISC-AGO-0005.)

13. Respondent provided contradictory explanations for her failure to disclose the conviction at hearing. Initially, Respondent indicated that she did not think she had to disclose her conviction because she did not believe a misdemeanor conviction required disclosure on the application. In addition, Respondent testified that she "didn't think lying to a police officer was a serious crime." After counsel for Complainant pointed out the paragraph under question 7, which specifically lists a misdemeanor as a conviction that required disclosure, Respondent testified that she did not read the paragraph directly below question 7. Respondent further testified that she relied on her pharmacy technician school to fill out the application on her behalf and was "confused" and made a "mistake" when failing to disclose her conviction on the application. Based on its inconsistent nature, Respondent's testimony for her failure to disclose her conviction is unpersuasive. Further, the fact that part of Respondent's prior job duties as a receptionist in a doctor's office, as described in factual finding 14, was to assist patients in filling out documents tends to make her testimony that she did not read the pharmacy technician application implausible.

14. Respondent previously worked as a receptionist in two doctors' offices between 1999 and approximately 2004. According to her testimony, part of her duties at the doctors' offices included assisting patients in filling out documents. In 2004, Respondent stopped working outside the home in order to raise her newborn son and daughter. From 2007 to 2011, she worked at Express Cabinets in Van Nuys, California, in a receptionist and manager position. She continues to work on-call for Express Cabinets. Vago Atanesyan, the owner of Express Cabinets, submitted a letter of recommendation on behalf of Respondent attesting to her dedication, loyalty, and intelligence as an employee. (Ex. D at p. 1.) From 2009 through 2011 and beginning in 2013, Respondent has worked as an in-home care provider. Piruz Yumchadzhyan, the individual for whom Respondent provides in-home care, submitted a letter of recommendation attesting to Respondent's hard work and caring nature. (Ex. D at p. 2.)

15. Respondent successfully completed her Pharmacy Technician training course at UEI College in 2013. (Ex. A.) She hopes to work as a pharmacy technician in the future at a Walgreens or at another pharmacy. Her motivation to pursue a pharmacy technician registration is to improve her professional opportunities and be able to better provide for her children. According to Respondent's testimony, her husband's income is inadequate to meet her family's current financial needs. Respondent's primary focus is taking care of her children. No evidence of volunteering or significant community involvement was provided by Respondent. She testified that she has learned her lesson from her past mistakes and "wouldn't do it again."

## LEGAL CONCLUSIONS

1. Business and Professions Code<sup>2</sup> section 4300 authorizes the Board to refuse an applicant's application for registration as a Pharmacy Technician. After refusal of the application, the burden of proof is on the license applicant to show that he or she is qualified to hold the license. To prevail in this matter, Respondent must demonstrate by a preponderance of the evidence that he is entitled to a Pharmacy Technician license. (Evid. Code, §§ 115, 500.)

2. A preponderance of the evidence establishes that the existence of a factual matter is more likely than not. As one court explained, "Preponderance of the evidence" means evidence that has more convincing force than that opposed to it. If the evidence is so evenly balanced that you are unable to say that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who had the burden of proving it." (*People v. Mabini* (2000) 92 Cal.App.4th 654, 663.)

3. Section 480, subdivision (a), addresses the Board's authority to deny a license application. It states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

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<sup>2</sup> All further statutory references are to the Business and Professions Code unless otherwise indicated.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

4. Section 490 provides, in pertinent part, that a board may suspend or revoke a license on the grounds that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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

6. Section 4301 states, in pertinent part:

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:

[¶] . . . [¶]

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving a controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

[¶] . . . [¶]

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

[¶] . . . [¶]

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

7. 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 his license or registration in a manner consistent with the public health, safety, or welfare.



8. Cause exists to deny Respondent's application for registration under section 480, subdivision (a)(1), in that Respondent was convicted of a substantially related crime, as set forth in factual findings 4 through 10 and legal conclusion 3.

9. Cause exists to deny Respondent's application for registration under section 480, subdivision (d), in that Respondent knowingly made a false statement of fact by knowingly failing to disclose her felony accessory conviction on her licensure application, as set forth in factual findings 4 through 14 and legal conclusion 3.

10. Cause exists to deny Respondent's application under sections 480, subdivisions (a)(3)(A) and (a)(3)(B), 490, and 4301, subdivision (p), in that Respondent did an act which, if done by a Board licensee, would constitute cause for discipline, namely, she suffered a conviction, as set forth in factual findings 4 through 10 and legal conclusions 3, 4, 6, and 7.

11. The Board's rehabilitation criteria have been considered in determining whether licensure is appropriate. It is first noted that Respondent's conviction was for a dishonest act and that she subsequently failed to be forthcoming regarding her conviction on her licensure application, as found in factual findings 12 through 14. (Cal. Code Regs, tit. 16, § 1769, subd. (b)(1).) Respondent post-conviction act of willfully withholding information regarding her felony conviction on her licensure application is an action that violates Pharmacy Law. (Cal. Code Regs, tit. 16, § 1769, subd. (b)(2).) A relatively short period of five years has elapsed since Respondent's felony conviction. (Cal. Code Regs, tit. 16, § 1769, subd. (b)(3).) Respondent has, however, complied with the terms of her probation. (Cal. Code Regs, tit. 16, § 1769, subd. (b)(4).) Finally, Respondent testified that she understands now that she committed a crime by making false statements to police officers and submitted letters of recommendations attesting to her good character. (Cal. Code Regs, tit. 16, § 1769, subd. (b)(5).)

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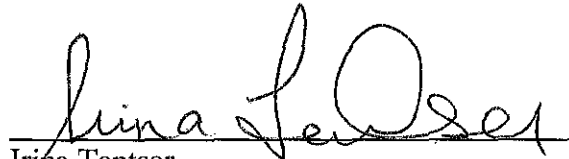
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12. Based on the totality of the circumstances, allowing Respondent to be granted her application for registration as a Pharmacy Technician at this time would result in potential harm to the public and to consumers. Specifically, Respondent demonstrated that her rehabilitation is incomplete by providing unconvincing testimony at hearing regarding her failure to disclose her conviction on her licensure application and deflecting responsibility for her crime. The public interest will be better served and protected by denying Respondent's application for registration as a Pharmacy Technician.

ORDER

The application of Respondent Marianna Albaryan for a registration to act as a Pharmacy Technician is denied.

DATED: April 10, 2015

  
Irina Tentser  
Administrative Law Judge  
Office of Administrative Hearings

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7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
Against:  
12 **MARIANNA ALBARYAN**  
13 Pharmacy Technician Registration Applicant  
14 Respondent.

Case No. 4948

**STATEMENT OF ISSUES**

16 Complainant alleges:

17 **PARTIES**

- 18
- 19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 21 2. On or about March 1, 2013, the Board of Pharmacy (Board) received an application  
22 for a Pharmacy Technician Registration from Marianna Albaryan (Respondent). On or about  
23 February 7, 2013, Respondent certified under penalty of perjury to the truthfulness of all  
24 statements, answers, and representations in the application. The Board denied the application on  
25 July 3, 2013.  
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1           "(c) A board may deny a license regulated by this code on the ground that the applicant  
2 knowingly made a false statement of fact required to be revealed in the application for the  
3 license."

4           5. Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
5 on the ground that the licensee has been convicted of a crime substantially related to the  
6 qualifications, functions, or duties of the business or profession for which the license was issued.

7           6. Section 4300 provides in pertinent part, that every license issued by the Boards is  
8 subject to discipline, including suspension or revocation.

9           7. Section 4301 states, in pertinent part:

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

13           ....

14           "(1) The conviction of a crime substantially related to the qualifications, functions, and  
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
17 substances or of a violation of the statutes of this state regulating controlled substances or  
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

20           The board may inquire into the circumstances surrounding the commission of the crime, in order  
21 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
22 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
25 of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3  
4 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
5 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
6 federal and state laws and regulations governing pharmacy, including regulations established by  
7 the board or by any other state or federal regulatory agency.

8 "(p) Actions or conduct that would have warranted denial of a license."

9 **REGULATORY PROVISIONS**

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

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

17 **FIRST CAUSE FOR DENIAL OF APPLICATION**

18 **(Conviction of a Substantially Related Crime)**

19 9. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
20 that Respondent was convicted of a substantially related a crime, as follows:

21 a. On or about April 16, 2010, Respondent was convicted of one felony count of  
22 violating Penal Code section 32 [accessory] in the criminal proceeding entitled *The People of the*  
23 *State of California v. Marlanna Albaryan* (Super. Ct. Los Angeles County, 2009, No. PA065087-  
24 02.) The Court sentenced Respondent to serve two days in Los Angeles, County Jail and placed  
25 her on three years probation, with terms and conditions.

26 b. The circumstances surrounding the conviction are that on or about July 26, 2009, the  
27 Los Angeles Police Department responded to a call of a vehicle colliding with three parked cars.  
28 When they arrived on scene, officers asked who the driver of the vehicle was. Respondent

1 answered, "I was the driver." Further investigation revealed that Respondent was not the driver of  
2 the car. Her husband was the one that had been driving the vehicle while under the influence of  
3 alcohol. Due to the fact that Respondent's children were in the vehicle at the time of the  
4 collision, a felony warrant was issued to Respondent for two counts of violating Penal Code  
5 section 273, subdivision (a) [willful cruelty to child] and Penal Code section 32 [accessory].

6 **SECOND CAUSE FOR DENIAL OF APPLICATION**

7 **(Knowingly Making a False Statement of Fact)**

8 10. Respondent application is subject to denial under section 480, subdivision (e), in that  
9 on or about February 7, 2013, Respondent knowingly made a false statement of fact by failing to  
10 disclose her conviction, on her application for licensure. In addition, Respondent signed under  
11 penalty of perjury, under the laws of the State of California, that the forgoing was true and correct,  
12 on her application for licensure. Complainant refers to, and by this reference incorporates, the  
13 allegations set forth in paragraph 9, subparagraphs (a), as though set forth fully.

14 **THIRD CAUSE FOR DENIAL OF APPLICATION**

15 **(Acts Warranting Denial of Licensure)**

16 11. Respondent's application is subject to denial under sections 4301, subdivision (p) and  
17 480, subdivisions (a)(3)A and (a)(3)B, in that Respondent committed acts which if done by a  
18 licentiate of the business and profession in question, would be grounds for suspension or  
19 revocation of her license as follows:

20 a. Respondent was convicted of crimes substantially related to the qualifications,  
21 functions, or duties of a pharmacy technician which to a substantial degree evidence her present  
22 or potential unfitness to perform the functions authorized by her license in a manner consistent  
23 with the public health, safety, or welfare, in violation of sections 4031, subdivision (l), and 490, in  
24 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,  
25 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraphs  
26 (a) and (b), inclusive, as though set forth fully.

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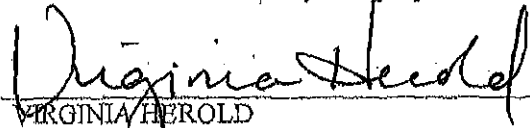
PRAYER

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

1. Denying the application of Respondent for a Pharmacy Technician Registration; and
2. Taking such other and further action as deemed necessary and proper.

DATED:

5/3/14



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

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