

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

In the Matter of the Statement of Issues Against:

Case No. 5134

MARINE MANANYAN
13455 Ebell Street
Panorama City, CA 91402

Intern Pharmacist Registration

Respondent.

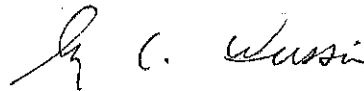
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 December 9, 2014.

It is so ORDERED on December 4, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

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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
12 Against:

13 **MARINE MANANYAN**
13455 Ebell St.
14 Panorama City, CA 91402

15 **Intern Pharmacist Registration**

16 Respondent.

Case No. 5134
OAH No. 2014050814

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

[Gov. Code, § 11415.60.]

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
21 be submitted to the Board for approval and adoption as the final disposition of the Statement of
22 Issues.

23 **PARTIES**

24 1. Complainant Virginia Herold is the Executive Officer of the Board of Pharmacy. She
25 brought this action solely in her official capacity and is represented in this matter by Kamala D.
26 Harris, Attorney General of the State of California, by Matthew A. King, Deputy Attorney
27 General.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Statement of
3 Issues No. 5134.

4 10. Respondent agrees that her Intern Pharmacist Registration is subject to denial and she
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 **CONTINGENCY**

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

16 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Settlement and Disciplinary Order, including electronic and facsimile
18 signatures thereto, shall have the same force and effect as an original.

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

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

28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory
3 requirements for issuance of a Intern Pharmacist Registration, a registration will be issued to
4 Respondent and immediately revoked; however, the order of revocation is stayed and Respondent
5 is placed on probation for five years on the following terms and conditions.

6 IT IS FURTHER ORDERED that, should Respondent subsequently be issued a Pharmacist
7 License by the Board, any remaining probationary period shall apply to that Pharmacist License.
8 That is, upon satisfaction of statutory and regulatory requirements for issuance thereof, a
9 Pharmacist License shall be issued to Respondent and shall be immediately revoked, with the
10 revocation stayed and Respondent placed on probation for the remainder of the five years
11 originally ordered (unless extended), on the following terms and conditions.

12 1. **Obey All Laws**

13 Respondent shall obey all state and federal laws and regulations.

14 Respondent shall report any of the following occurrences to the Board, in writing, within
15 seventy-two (72) hours of such occurrence:

- 16 • an arrest or issuance of a criminal complaint for violation of any provision of the
17 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
18 substances laws
- 19 • a plea of guilty or *nolo contendere* in any state or federal criminal proceeding to any
20 criminal complaint, information or indictment
- 21 • a conviction of any crime
- 22 • discipline, citation, or other administrative action filed by any state or federal agency
23 which involves Respondent's Intern Pharmacist Registration or Pharmacist License or
24 which is related to the practice of pharmacy or the manufacturing, obtaining,
25 handling, distributing, billing, or charging for any drug, device or controlled
26 substance.

27 Failure to timely report such occurrence shall be considered a violation of probation.

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1 **2. Report to the Board**

2 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
3 designee. The report shall be made either in person or in writing, as directed. Among other
4 requirements, Respondent shall state in each report under penalty of perjury whether there has
5 been compliance with all the terms and conditions of probation. Failure to submit timely reports
6 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
7 in submission of reports as directed may be added to the total period of probation. Moreover, if
8 the final probation report is not made as directed, probation shall be automatically extended until
9 such time as the final report is made and accepted by the Board.

10 **3. Interview with the Board**

11 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
12 with the Board or its designee, at such intervals and locations as are determined by the Board or
13 its designee. Failure to appear for any scheduled interview without prior notification to Board
14 staff, or failure to appear for two or more scheduled interviews with the Board or its designee
15 during the period of probation, shall be considered a violation of probation.

16 **4. Cooperate with Board Staff**

17 Respondent shall cooperate with the Board's inspection program and with the Board's
18 monitoring and investigation of Respondent's compliance with the terms and conditions of her
19 probation. Failure to cooperate shall be considered a violation of probation.

20 **5. Continuing Education**

21 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
22 pharmacist as directed by the Board or its designee.

23 **6. Notice to Employers**

24 During the period of probation, Respondent shall notify all present and prospective
25 employers of the decision in case number 5134 and the terms, conditions and restrictions imposed
26 on Respondent by the decision, as follows:

27 Within 30 days of the effective date of this decision, and within 15 days of Respondent
28 undertaking any new employment, Respondent shall cause her direct supervisor, pharmacist-in-

1 charge (including each new pharmacist-in-charge employed during Respondent's tenure of
2 employment) and owner to report to the Board in writing acknowledging that the listed
3 individual(s) has/have read the decision in case number 5134, and terms and conditions imposed
4 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
5 supervisor(s) submit timely acknowledgment(s) to the Board.

6 If Respondent works for or is employed by or through a pharmacy employment service,
7 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
8 licensed by the Board of the terms and conditions of the decision in case number 5134 in advance
9 of Respondent's commencing work at each licensed entity. A record of this notification must be
10 provided to the Board upon request.

11 Furthermore, within 30 days of the effective date of this decision, and within 15 days of
12 Respondent undertaking any new employment by or through a pharmacy employment service,
13 Respondent shall cause her direct supervisor with the pharmacy employment service to report to
14 the Board in writing acknowledging that she has read the decision in case number 5134 and the
15 terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that her
16 employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

17 Failure to timely notify present or prospective employer(s) or to cause that/those
18 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of
19 probation.

20 "Employment" within the meaning of this provision shall include any full-time,
21 part-time, temporary, relief or pharmacy management service as a pharmacist or any
22 position for which a pharmacist license is a requirement or criterion for employment,
23 whether Respondent is an employee, independent contractor or volunteer.

24 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
25 **Designated Representative-in-Charge, or Serving as a Consultant**

26 During the period of probation, Respondent shall not supervise any intern pharmacist, be
27 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
28 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such

1 unauthorized supervision responsibilities shall be considered a violation of probation.

2 **8. Probation Monitoring Costs**

3 Respondent shall pay any costs associated with probation monitoring as determined by the
4 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
5 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
6 shall be considered a violation of probation.

7 **9. Status of License**

8 Respondent shall, at all times while on probation, maintain an active, current license with
9 the Board, including any period during which suspension or probation is tolled. Failure to
10 maintain an active, current license shall be considered a violation of probation.

11 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
12 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
13 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
14 probation not previously satisfied.

15 **10. License Surrender While on Probation/Suspension**

16 Following the effective date of this decision, should Respondent cease practice due to
17 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
18 Respondent may tender her license to the Board for surrender. The Board or its designee shall
19 have the discretion whether to grant the request for surrender or take any other action it deems
20 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
21 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
22 record of discipline and shall become a part of Respondent's license history with the Board.

23 Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall license
24 to the Board within ten days of notification by the Board that the surrender is accepted.

25 Respondent may not reapply for any license from the Board for three years from the effective
26 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
27 of the date the application for that license is submitted to the Board, including any outstanding
28 costs.

1 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

3 Respondent shall notify the Board in writing within ten days of any change of employment.
4 Said notification shall include the reasons for leaving, the address of the new employer, the name
5 of the supervisor and owner, and the work schedule if known. Respondent shall further notify the
6 Board in writing within ten days of a change in name, residence address, mailing address, or
7 phone number.

8 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
9 phone number(s) shall be considered a violation of probation.

10 **12. Tolling of Probation**

11 Except during periods of suspension, Respondent shall, at all times while on probation, be
12 employed as a pharmacist or intern pharmacist in California for a minimum of 40 hours per
13 calendar month. Any month during which this minimum is not met shall toll the period of
14 probation, i.e., the period of probation shall be extended by one month for each month during
15 which this minimum is not met. During any such period of tolling of probation, Respondent must
16 nonetheless comply with all terms and conditions of probation.

17 Should Respondent, regardless of residency, for any reason (including vacation) cease
18 practicing as a pharmacist or intern pharmacist for a minimum of 40 hours per calendar month in
19 California, Respondent must notify the Board in writing within ten days of the cessation of
20 practice, and must further notify the Board in writing within ten days of the resumption of
21 practice. Any failure to provide such notification(s) shall be considered a violation of probation.

22 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
23 provisions of this condition for a total period, counting consecutive and non-consecutive months,
24 exceeding 36 months.

25 “Cessation of practice” means any calendar month during which Respondent is
26 not practicing as a pharmacist or intern pharmacist for at least 40 hours, as defined by
27 Business and Professions Code section 4000 et seq .

28 “Resumption of practice” means any calendar month during which Respondent

1 is practicing as a pharmacist or intern pharmacist for at least 40 as defined by
2 Business and Professions Code section 4000 et seq.

3 **13. Violation of Probation**

4 If a Respondent has not complied with any term or condition of probation, the Board shall
5 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
6 until all terms and conditions have been satisfied or the Board has taken other action as deemed
7 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
8 to impose the penalty that was stayed.

9 If Respondent violates probation in any respect, the Board, after giving Respondent notice
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
11 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
12 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
13 a petition to revoke probation or an accusation is filed against Respondent during probation, the
14 Board shall have continuing jurisdiction and the period of probation shall be automatically
15 extended until the petition to revoke probation or accusation is heard and decided.

16 **14. Completion of Probation**

17 Upon written notice by the Board or its designee indicating successful completion of
18 probation, Respondent's license will be fully restored.

19 **15. Supervised Practice**

20 During the period of probation, Respondent shall practice only under the supervision of a
21 licensed pharmacist not on probation with the Board. Upon and after the effective date of this
22 decision, Respondent shall not practice pharmacy and her license shall be automatically
23 suspended until a supervisor is approved by the Board or its designee. The supervision shall be,
24 as required by the Board or its designee, any of the following:

- 25 1) *Continuous*—At least 75% of a work week
- 26 2) *Substantial*—At least 50% of a work week
- 27 3) *Partial*—At least 25% of a work week
- 28 4) *Daily Review*—Supervisor's review of probationer's daily activities within 24 hours

1 Within 30 days of the effective date of this decision, Respondent shall have her supervisor
2 submit notification to the Board in writing stating that the supervisor has read the decision in case
3 number 5134 and is familiar with the required level of supervision as determined by the Board or
4 its designee. It shall be Respondent's responsibility to ensure that her employer(s), pharmacist-
5 in-charge and/or supervisor(s) submit timely acknowledgement(s) to the Board. Failure to cause
6 the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the
7 Board shall be considered a violation of probation.

8 If Respondent changes employment, it shall be Respondent's responsibility to ensure that
9 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
10 the Board. Respondent shall have her new supervisor, within 15 days after employment
11 commences, submit notification to the Board in writing stating the direct supervisor and
12 pharmacist-in-charge have read the decision in case number 5134 and is familiar with the level of
13 supervision as determined by the Board. Respondent shall not practice pharmacy and her license
14 shall be automatically suspended until the Board or its designee approves a new supervisor.
15 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
16 acknowledgements to the Board shall be considered a violation of probation.

17 Within ten days of leaving employment, Respondent shall notify the Board in writing.

18 During suspension, Respondent shall not enter any pharmacy area or any portion of the
19 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
20 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
21 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
22 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
23 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
24 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
25 and controlled substances. Respondent shall not resume practice until notified by the Board.

26 During suspension, Respondent shall not engage in any activity that requires the
27 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
28 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a

1 designated representative for any entity licensed by the Board.

2 Subject to the above restrictions, Respondent may continue to own or hold an interest in
3 any licensed premises in which she holds an interest at the time this decision becomes effective
4 unless otherwise specified in this order.

5 Failure to comply with this suspension shall be considered a violation of probation.

6 **16. No Ownership of Licensed Premises**

7 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
8 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
9 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
10 or transfer any legal or beneficial interest in any entity licensed by the Board within 90 days
11 following the effective date of this decision and shall immediately thereafter provide written
12 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
13 documentation thereof shall be considered a violation of probation.

14 **17. Ethics Course**

15 Within 60 calendar days of the effective date of this decision, Respondent shall enroll in a
16 course in ethics, at Respondent's expense, approved in advance by the Board or its designee.
17 Failure to initiate the course during the first year of probation, and complete it within the second
18 year of probation, is a violation of probation. Respondent shall complete this requirement at least
19 one year before taking the pharmacist exam.

20 Respondent shall submit a certificate of completion to the Board or its designee within five
21 days after completing the course.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Intern Pharmacist Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 08/12/14


MARINE MANANYAN
Respondent

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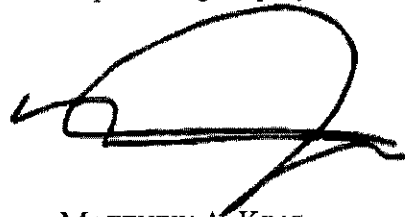
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: October 9, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Statement of Issues No. 5134

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
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9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

12 **MARINE MANANYAN**

13 Intern Pharmacist Registration Applicant,

14 Respondent.

Case No. 5134

STATEMENT OF ISSUES

[Gov. Code, § 11504.]

15 Complainant alleges:

16 **PARTIES**

17 1. Virginia Herold brings this Statement of Issues solely in her official capacity as the
18 Executive Officer of the Board of Pharmacy, an agency within the Department of Consumer
19 Affairs.

20 2. On September 17, 2013, the Board received an application for an Intern Pharmacist
21 Registration from Marine Mananyan. On August 8, 2013, Respondent certified under penalty of
22 perjury to the truthfulness of all statements, answers and representations in the application. The
23 Board denied the application on December 18, 2013.

24 3. Respondent filed a timely notice of appeal on February 11, 2014.

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1 **JURISDICTION**

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

5 5. Section 4300.1 provides the Board with continuing jurisdiction over cancelled,
6 expired, lapsed and surrendered licenses.

7 **STATUTORY PROVISIONS**

8 6. Section 480 states:

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

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

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

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

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

25 (b) Notwithstanding any other provision of this code, no person shall be denied a
26 license solely on the basis that he or she has been convicted of a felony if he or she has
27 obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section
28 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) A board may deny a license regulated by this code on the ground that the
applicant knowingly made a false statement of fact required to be revealed in the
application for the license.

7. Section 4300, subdivision (c), states, in pertinent part, that "[t]he board may refuse a
license to any applicant guilty of unprofessional conduct..."

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1 8. Section 4301 states, in pertinent part:

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

6 ...
7 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
8 deceit, or corruption, whether the act is committed in the course of relations as a
9 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

10 (g) Knowingly making or signing any certificate or other document that falsely
11 represents the existence or nonexistence of a state of facts.

12 ...
13 (l) The conviction of a crime substantially related to the qualifications,
14 functions,
15 and duties of a licensee under this chapter. The record of conviction of a violation of
16 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
17 regulating controlled substances or of a violation of the statutes of this state regulating
18 controlled substances or dangerous drugs shall be conclusive evidence of
19 unprofessional conduct. In all other cases, the record of conviction shall be conclusive
20 evidence only of the fact that the conviction occurred. The board may inquire into the
21 circumstances surrounding the commission of the crime, in order to fix the degree of
22 discipline or, in the case of a conviction not involving controlled substances or
23 dangerous drugs, to determine if the conviction is of an offense substantially related to
24 the qualifications, functions, and duties of a licensee under this chapter. A plea or
25 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a
26 conviction within the meaning of this provision. The board may take action when the
27 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal
28 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...

REGULATORY PROVISIONS

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

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1 **FIRST CAUSE FOR DENIAL**

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

3 10. Respondent's application is subject to denial under Code section 480, subdivision
4 (a)(1), and sections 4300, subdivision (c), and 4301, subdivision (l), in conjunction with
5 California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a
6 crime substantially related to the qualifications, functions or duties of an intern pharmacist, as
7 follows:

8 a. On February 4, 2010, Respondent pleaded *nolo contendere* to and was convicted of
9 one misdemeanor count of theft of an access card (Pen. Code, § 484, subd. (e)). The court
10 sentenced her to one day in jail, placed her on summary probation for 36 months and ordered her
11 to perform 25 days of Cal Trans and pay fines and restitution totaling \$195. On May 22, 2013,
12 the court dismissed the matter pursuant to Penal Code section 1203.4. (*People v. Marine*
13 *Mananyan* (Super. Ct. L.A. County, 2013, No. 9PY07898).)

14 b. The conviction stems from conduct occurring on October 18, 2009. Respondent used
15 a stolen credit card to make four purchases at Bloomingdales totaling \$1,330.65. Each time, she
16 signed an electronic signature pad purporting to be an authorized user of the card. Respondent
17 told police that she did not have permission to use the credit card and acknowledged that "what
18 she [did] was wrong."

19 **SECOND CAUSE FOR DENIAL**

20 **(Knowing Misstatement of Fact on License Application)**

21 11. Respondent's application is subject to denial under Code section 480, subdivision (c),
22 in that Respondent knowingly made a false statement of fact required to be revealed in the
23 application for licensure. Respondent submitted a written statement in connection with her
24 application that purported to explain the circumstances of the conviction described in paragraph
25 10. In the written statement, Respondent claimed that she had permission to use the credit card
26 but that her friend, the owner of the card, had "set [her] up." Respondent's account belies the
27 seriousness of the underlying circumstances and constitutes a false statement of fact that was
28 required to be revealed in the application for licensure. Complainant realleges paragraph 10.

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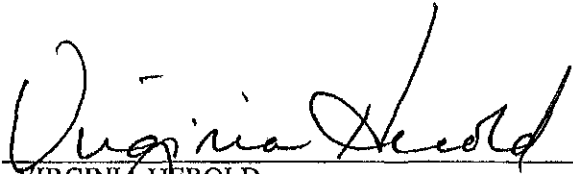
PRAYER

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 Marine Mananyan for an Intern Pharmacist 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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