

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

In the Matter of the Statement of Issues
Against:

DANIEL YAGOUBIAN, AKA DANNY
YAGOUBIAN

Pharmacist License Applicant

Respondent.

Case No. 5754

OAH No. 2016051012

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 at 5:00 p.m. on December 2, 2016.

It is so ORDERED on November 2, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 EMILY Y. WADA
Deputy Attorney General
4 State Bar No. 241845
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-8944
6 Facsimile: (213) 897-2804
E-mail: Emily.Wada@doj.ca.gov
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 **DANIEL YAGOUBIAN, AKA DANNY**
14 **YAGOUBIAN**

14 **Pharmacist License Applicant**

15 Respondent.

Case No. 5754

OAH No. 2016051012

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Respondent Daniel Yagoubian, aka Danny Yagoubian ("Respondent") is represented
26 in this proceeding by attorney Zachary D. Wechsler Esq., whose address is: 21515 Hawthorne
27 Blvd., Ste. 610, Torrance, CA 90503-6547.

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11 JURISDICTION

12 3. On or about May 8, 2015, the Board of Pharmacy ("Board"), Department of
13 Consumer Affairs received an application for a Pharmacist License from Respondent. On or
14 about May 4, 2015, Respondent certified under penalty of perjury to the truthfulness of all
15 statements, answers, and representations in the application. The Board denied the application on
16 December 17, 2015. Respondent timely requested a hearing with respect to the denial.

17 4. Statement of Issues No. 5754 was filed before the Board and is currently pending
18 against Respondent. The Statement of Issues and all other statutorily required documents were
19 properly served on Respondent on April 27, 2016. A copy of Statement of Issues No. 5754 is
20 attached as exhibit A and incorporated herein by reference.

21 ADVISEMENT AND WAIVERS

22 5. Respondent has carefully read, fully discussed with counsel, and understands the
23 charges and allegations in Statement of Issues No. 5754. Respondent has also carefully read,
24 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
25 Disciplinary Order for Public Reprimand.

26 6. Respondent is fully aware of his legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Statement of Issues; the right to confront and cross-
28 examine the witnesses against him; the right to present evidence and to testify on his own behalf;
the right to the issuance of subpoenas to compel the attendance of witnesses and the production of
documents; the right to reconsideration and court review of an adverse decision; and all other
rights accorded by the California Administrative Procedure Act and other applicable laws.

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

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Statement of
26 Issues No. 5754.

27 9. Respondent agrees that his application for a Pharmacist License is subject to denial,
28 and he agrees to be bound by the Disciplinary Order below.

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and settlement, without notice to
5 or participation by Respondent or his counsel. By signing the stipulation, Respondent
6 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
7 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
8 as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Repeval
9 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
10 between the parties, and the Board shall not be disqualified from further action by having
11 considered this matter.

12 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
13 copies of this Stipulated Settlement and Disciplinary Order for Public Repeval, including
14 Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and
15 effect as the originals.

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

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

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that the application of Respondent Daniel Yagoubian, aka
3 Danny Yagoubian for licensure as a Pharmacist is hereby granted. Upon successful completion
4 of the licensure examination and all licensing requirements, a Pharmacist License shall be issued
5 to Respondent that shall be immediately publicly reproved. The public reproof is based on the
6 allegations in Statement of Issues No. 5754, as attached.

7 IT IS FURTHER ORDERED that Respondent shall successfully complete one of the
8 following ethics courses, including any and all follow-up assessments: either (a) "PE-22," by
9 Professional Boundaries, Inc., or (b) "Hospital Pharmacist Professional Program" by the Institute
10 for Medical Quality. The ethics course must begin within six months of the effective date of the
11 Board's decision to adopt this stipulation.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
14 Reproval and have fully discussed it with my attorney, Zachary D. Wechsler Esq.. I understand
15 the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
16 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,
17 and agree to be bound by the Decision and Order of the Board of Pharmacy.

18
19 DATED: 8/26/16


DANIEL YAGOUBIAN, AKA DANNY
YAGOUBIAN
Respondent

20
21 I have read and fully discussed with Respondent Daniel Yagoubian, aka Danny Yagoubian
22 the terms and conditions and other matters contained in the above Stipulated Settlement and
23 Disciplinary Order for Public Reproval. I approve its form and content.

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25 DATED: 8/29/16


ZACHARY D. WECHSLER ESQ.
Attorney for Respondent

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ENDORSEMENT

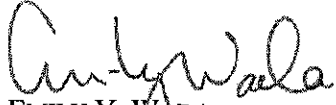
The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated:

September 6, 2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General


EMILY Y. WADA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 5754

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 EMILY Y. WADA
Deputy Attorney General
4 State Bar No. 241845
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-8944
6 Facsimile: (213) 897-2804
E-mail: Emily.Wada@doj.ca.gov
7 Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
Against:

Case No. 5754

12 **DANIEL YAGOUBIAN, AKA DANNY**
13 **YAGOUBIAN**

STATEMENT OF ISSUES

14 **Pharmacist License Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 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 May 8, 2015, the Board of Pharmacy, Department of Consumer Affairs
22 received an application for a Pharmacist License from Daniel Yagoubian, aka Danny Yagoubian
23 (Respondent). On or about May 4, 2015, Daniel Yagoubian certified under penalty of perjury to
24 the truthfulness of all statements, answers, and representations in the application. The Board
25 denied the application on December 17, 2015.

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1 JURISDICTION

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

5 4. Section 480 of the Code states, in pertinent part, that:

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

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

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

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

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

17 6. Section 4301 states, in pertinent part, that:

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

21

22 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
23 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
24 whether the act is a felony or misdemeanor or not. . . .”

25 REGULATORY PROVISION

26 7. California Code of Regulations, title 16, section 1770 states:

27 “For the purpose of denial, suspension, or revocation of a personal or facility license
28 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a

1 crime or act shall be considered substantially related to the qualifications, functions or duties of a
2 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
3 licensee or registrant to perform the functions authorized by his license or registration in a manner
4 consistent with the public health, safety, or welfare.”

5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **(Acts Involving Dishonesty, Fraud, or Deceit)**

7 8. Respondent's application is subject to denial under section 480(a)(2) on the grounds
8 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to
9 substantially benefit himself. The circumstances are that on or about November 12, 2013,
10 Respondent submitted an application for Pharmacist Examination and Licensure with the Board.
11 With his application, Respondent submitted two affidavits for the completion of intern hours that
12 were allegedly signed by his supervising pharmacists/pharmacists-in-charge. Upon review, it was
13 verified that Respondent forged the signatures on each affidavit.

14 **SECOND CAUSE FOR DENIAL OF APPLICATION**

15 **(Conduct Warranting Licensee Discipline)**

16 9. Respondent's application is subject to denial under Section 480(a)(3) in conjunction
17 with California Code of Regulations, title 16, section 1770, in that Respondent committed acts
18 which if done by a licensee would be grounds for discipline as follows:

19 a. Section 4300(c), in that Respondent engaged in unprofessional conduct.
20 Complainant refers to and by this reference incorporates the allegations set forth above in
21 paragraph 8 as though set forth fully herein.

22 b. Section 4301, subdivision (f), in that Respondent engaged in unprofessional
23 conduct and committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.
24 Complainant refers to and by this reference incorporates the allegations set forth above in
25 paragraph 8 as though set forth fully herein.

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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. Denying the application of Daniel Yagoubian, aka Danny Yagoubian, for a Pharmacist License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 4/15/16 Virginia Herold

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

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