

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

In the Matter of the Accusation Against:

**LA NOVA PHARMACY INC., dba NOVA  
PHARMACY; ARMEN POGOSSIAN and  
ANAIDA POGOSSIAN**

290 N. Hill Ave. No. 4  
Pasadena, CA 91106

**Pharmacy Permit No. PHY 44112,**

**ANAIDA POGOSSIAN**

2335 Kinclair Dr.  
Pasadena, CA 91107

**Pharmacy Technician Registration No. TCH  
14658,**

**and**

**JAQUELINE M. ASHKAR**

918 Encanto Drive  
Arcadia, CA 91007

**Pharmacist License No. RPH 37156**

Respondents.

Case No. 6338

OAH No. 2019040706

**DECISION AND ORDER**

The attached Stipulated Surrender of License and 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 January 23, 2020.

It is so ORDERED on December 24, 2019.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 KEVIN J. SCHETTIG  
Deputy Attorney General  
4 State Bar No. 234240  
300 So. Spring Street, Suite 1702  
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*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

Case No. 6338

13 **LA NOVA PHARMACY INC. DBA NOVA**  
14 **PHARMACY, ARMEN POGOSSIAN,**  
15 **ANAIDA POGOSSIAN**  
16 **290 N. Hill Ave. No. 4**  
17 **Pasadena, CA 91106**

OAH No. 2019040706

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER ONLY AS TO**  
**RESPONDENT JAQUELINE M.**  
**ASHKAR**

18 **Pharmacy Permit No. PHY 44112,**

19 **ANAIDA POGOSSIAN**  
20 **2335 Kinclair Dr.**  
21 **Pasadena, CA 91107**

22 **Pharmacy Technician Registration No. TCH**  
23 **14658,**

24 **and**

25 **JAQUELINE M. ASHKAR**  
26 **918 Encanto Drive**  
27 **Arcadia, CA 91007**

28 **Pharmacist License No. RPH 37156**

Respondents.

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

3 **PARTIES**

4 1. Anne Sodergren ("Complainant") is the Interim Executive Officer of the Board of  
5 Pharmacy ("Board"). She brought this action solely in her official capacity and is represented in  
6 this matter by Xavier Becerra, Attorney General of the State of California, by Kevin J. Schettig,  
7 Deputy Attorney General.

8 2. Jaqueline M. Ashkar ("Respondent Ashkar") is represented in this proceeding by  
9 attorney Ivan Petrzelka.

10 3. On or about August 25, 1982, the Board issued Pharmacist License No. RPH 37156  
11 to Respondent Ashkar. The Pharmacist License was in full force and effect at all times relevant  
12 to the charges brought in Accusation No. 6338 and will expire on January 31, 2020, unless  
13 renewed.

14 **JURISDICTION**

15 4. Accusation No. 6338 was filed before the Board, and is currently pending against  
16 Respondent Ashkar. The Accusation and all other statutorily required documents were properly  
17 served on Respondent Ashkar on September 25, 2018. Respondent Ashkar timely filed her  
18 Notice of Defense contesting the Accusation. A copy of Accusation No. 6338 is attached as  
19 Exhibit A and incorporated by reference.

20 **ADVISEMENT AND WAIVERS**

21 5. Respondent Ashkar has carefully read, fully discussed with counsel, and understands  
22 the charges and allegations in Accusation No. 6338. Respondent Ashkar also has carefully read,  
23 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
24 and Order.

25 6. Respondent Ashkar is fully aware of her legal rights in this matter, including the right  
26 to a hearing on the charges and allegations in the Accusation; the right to confront and cross-  
27 examine the witnesses against her; the right to present evidence and to testify on her own behalf;  
28 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 Ashkar voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

### **CULPABILITY**

8. Respondent Ashkar understands that the charges and allegations in Accusation No. 6338, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist License.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent Ashkar agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent Ashkar hereby gives up her right to contest that cause for discipline exists based on those charges.

10. Respondent Ashkar understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacist License without further process.

### **CONTINGENCY**

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

12. The parties understand and agree that Portable Document Format ("PDF") and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

**ORDER**

IT IS HEREBY ORDERED that Pharmacist License No. RPH 37156, issued to Respondent Ashkar, is surrendered and accepted by the Board.

1. The surrender of Respondent Ashkar's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent Ashkar. This stipulation constitutes a record of the discipline and shall become a part of Respondent Ashkar's license history with the Board.

2. Respondent Ashkar shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.

3. Respondent Ashkar shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent Ashkar ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent Ashkar must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6338 shall be deemed to be true, correct and admitted by Respondent Ashkar when the Board determines whether to grant or deny the application or petition.

5. Respondent Ashkar may not apply for any license, permit, or registration from the Board for three (3) years from the effective date of this decision.

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6. Respondent Ashkar shall pay the agency its costs of investigation and enforcement in the amount of \$5,000 prior to issuance of a new or reinstated license.

7. If Respondent Ashkar should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6338 shall be deemed to be true, correct, and admitted by Respondent Ashkar for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/16/2019

DocuSigned by:  
*Jaqueline M. Ashkar*  
JAQUELINE M. ASHKAR  
Respondent

I have read and fully discussed with Respondent Ashkar the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 10/17/19

*Ivan Petrzelka*  
IVAN PETRZELKA  
Attorney for Respondent

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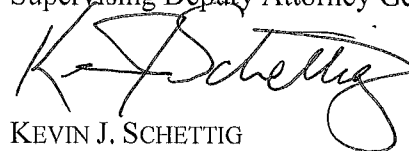
**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 10/17/19

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



KEVIN J. SCHETTIG  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6338**

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
KEVIN J. SCHETTIG  
Deputy Attorney General  
State Bar No. 234240  
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Los Angeles, CA 90013  
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Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

In the Matter of the Accusation Against:

Case No. 6338

**LA NOVA PHARMACY INC. dba NOVA  
PHARMACY; ARMEN POGOSSIAN and  
ANAIDA POGOSSIAN, OWNERS  
290 N. Hill Ave. No. 4  
Pasadena, CA 91106**

**ACCUSATION**

**Pharmacy Permit No. PHY 44112**

**and**

**ANAIDA POGOSSIAN  
2335 Kinclair Dr.  
Pasadena, CA 91107**

**Pharmacist Technician Registration No.  
TCH 14658, Owner/Secretary 50%,**

**and**

**JAQUELINE ASHKAR  
918 Encanto Drive  
Arcadia, CA 91007**

**Pharmacist License No. RPH 37156**

Respondents.

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1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about May 18, 1999, the Board issued Pharmacy Permit Number PHY 44112 to  
6 LA Nova Pharmacy Inc. dba Nova Pharmacy; Armen Pogossian and Anaida Pogossian, owners.  
7 (“Respondent Nova Pharmacy”). The Pharmacy Permit was in full force and effect at all times  
8 relevant to the charges brought herein and will expire on May 1, 2019, unless renewed.

9 3. On or about December 15, 1994, the Board issued Pharmacist Technician  
10 Registration No. TCH 14658 to Anaida Pogossian (“Respondent Anaida Pogossian”).  
11 Respondent Anaida Pogossian is an Owner and Secretary of Respondent Nova Pharmacy. The  
12 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
13 brought herein and will expire on April 30, 2020, unless renewed.

14 4. On or about August 25, 1982, the Board issued Pharmacist License No. RPH 37156  
15 to Jaqueline Ashkar (“Respondent Ashkar”). The Pharmacist License was in full force and effect  
16 at all times relevant to the charges brought herein and will expire on January 31, 2020, unless  
17 renewed.

18 **JURISDICTION**

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

21 6. Section 4300, subdivision (a) of the Code provides that “[e]very license issued may  
22 be suspended or revoked.”

23 7. Section 4011 of the Code states that in addition to administering and enforcing the  
24 Pharmacy Law (Cal. Bus. & Prof. §§ 4000, et seq.), the board shall administer and enforce “the  
25 Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health  
26 and Safety Code).”

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1           ...

2           (c) The records required by this section shall be retained on the licensed premises for a  
3 period of three years from the date of making.”

4           12.   Section 4301 of the Code states in pertinent part:

5           “The board shall take action against any holder of a license who is guilty of unprofessional  
6 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is  
7 not limited to, any of the following:

8           ...

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

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

14           ...

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

19           ...

20           (q) Engaging in any conduct that subverts or attempts to subvert an investigation of the  
21 board.”

22           13.   Section 4302 of the Code states:

23           “The board may deny, suspend, or revoke any license where conditions exist in relation to  
24 any person holding 10 percent or more of the ownership interest or where conditions exist in  
25 relation to any officer, director, or other person with management or control of the license that  
26 would constitute grounds for disciplinary action against a licensee.”

27       ///

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1           14.   Section 4307 of the Code states:

2           “(a) Any person who has been denied a license or whose license has been revoked or is  
3 under suspension, or who has failed to renew his or her license while it was under suspension, or  
4 who has been a manager, administrator, owner, member, officer, director, associate, partner, or  
5 any other person with management or control of any partnership, corporation, trust, firm, or  
6 association whose application for a license has been denied or revoked, is under suspension or has  
7 been placed on probation, and while acting as the manager, administrator, owner, member,  
8 officer, director, associate, partner, or any other person with management or control had  
9 knowledge of or knowingly participated in any conduct for which the license was denied,  
10 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,  
11 administrator, owner, member, officer, director, associate, partner, or in any other position with  
12 management or control of a licensee as follows:

13           (1) Where a probationary license is issued or where an existing license is placed on  
14 probation, this prohibition shall remain in effect for a period not to exceed five years.

15           (2) Where the license is denied or revoked, the prohibition shall continue until the license is  
16 issued or reinstated.

17           (b) ‘Manager, administrator, owner, member, officer, director, associate, partner, or any  
18 other person with management or control of a license’ as used in this section and Section 4308,  
19 may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

20           (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to  
21 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.  
22 However, no order may be issued in that case except as to a person who is named in the caption,  
23 as to whom the pleading alleges the applicability of this section, and where the person has been  
24 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part  
25 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision  
26 shall be in addition to the board's authority to proceed under Section 4339 or any other provision  
27 of law.”

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23. Esomeprazole, brand name Nexium, is used to treat gastroesophageal reflux disease and is a dangerous drug pursuant to Business and Professions Code section 4022.

24. Budesonide plus formoterol, brand name Symbicort, is used to treat asthma and is a dangerous drug pursuant to Business and Professions Code section 4022.

25. Solifenacin succinate, brand name Vesicare, is used to treat overactive bladder and is a dangerous drug pursuant to Business and Professions Code section 4022.

26. Diclofenac sodium gel 1%, brand name Voltaren Gel 1%, is used to treat pain and is a dangerous drug pursuant to Business and Professions Code section 4022.

### **FACTUAL BACKGROUND**

27. Respondent Ashkar has been the Pharmacist-in-Charge at Respondent Nova Pharmacy since February 10, 2003. Armen Pogossian is the CEO/President with 50% ownership of Respondent Nova Pharmacy. Respondent Anaida Pogossian is a pharmacy technician and secretary of Respondent Nova Pharmacy with 50% ownership.

28. On March 15, 2017, the Board conducted an investigation of Respondent Nova Pharmacy, which revealed that Respondent Nova Pharmacy dispensed prescriptions (numbers 507567 and 507568) for Dexilant 60mg and Vesicare 5mg to a patient (MM) without a prescriber's authorization. The prescriptions were generated by Respondent Nova Pharmacy's staff without the prescriber's approval.

29. During the Board's investigation, Respondents provided purchase history records to the Board for the period between January 6, 2015 and March 15, 2017 from wholesaler International Pharmaceutical Services. Upon further investigation, the documents were determined to be fraudulent and contained false and misleading information.

30. The Board conducted an audit of Respondent Nova Pharmacy, which revealed overages of medications as follows:

a. An audit of the period between June 1, 2014 and March 15, 2017 revealed overages as follows:

- 2,340 tablets of Abilify 5mg
- 1,350 tablets of Abilify 2mg



- 1,004 tablets of aripiprazole 2mg
- 1,678 tablets of aripiprazole 5mg
- 11,370 tablets of Vesicare 5mg
- 50 boxes of Flovent 220mcg
- 386 boxes of Symbicort (120 inhalations) 160-4.5mg
- 18,450 tablets of Janumet 50-1000mg
- 91,730 grams of Voltaren Gel 1%

b. An audit of the period between June 1, 2014 and March 16, 2017 revealed as overages as follows:

- 58,860 tablets of Nexium 40mg
- 3,400 MLs of Lantus Solastar
- 3,720 tablets of Linzess 145mg
- 120 tablets of Invokana 100mg

## **CAUSES FOR DISCIPLINE AGAINST RESPONDENT NOVA PHARMACY**

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Furnishing Dangerous Drugs Without a Prescription)**

31. Respondent Nova Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o), for violating Code section 4059, subdivision (a), in that Respondent Nova Pharmacy dispensed prescriptions (numbers 507567 and 507568) for Dexilant 60mg and Vesicare 5mg to a patient (MM) without a prescriber's authorization. The prescriptions were generated by Respondent Nova Pharmacy's staff without the prescriber's approval. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct – Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

32. Respondent Nova Pharmacy is subject to disciplinary action under Code section 4301, subdivision (f), in that Respondent Nova Pharmacy provided to the Board fraudulent

1 purchase history records for the period between January 6, 2015 and March 15, 2017 from  
2 wholesaler International Pharmaceutical Services. Complainant refers to, and by this reference  
3 incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set  
4 forth fully herein.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct – False Representations)**

7 33. Respondent Nova Pharmacy is subject to disciplinary action under Code section  
8 4301, subdivision (g), in that Respondent Nova Pharmacy provided to the Board fraudulent  
9 purchase history records for the period between January 6, 2015 and March 15, 2017 from  
10 wholesaler International Pharmaceutical Services. Complainant refers to, and by this reference  
11 incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set  
12 forth fully herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Failure to Maintain Adequate Records of Acquisition and Disposition)**

15 34. Respondent Nova Pharmacy is subject to disciplinary action under Code section  
16 4301, subdivision (o), for violating Code sections 4081, subdivision (a), in conjunction with  
17 California Code of Regulations, title 16, section 1718 and Code section 4105, subdivisions (a)  
18 and (c), in that an audit of Respondent Nova Pharmacy revealed overages of the numerous  
19 medications. Complainant refers to, and by this reference incorporates, the allegations set forth  
20 above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Failure to Maintain Current Inventory)**

23 35. Respondent Nova Pharmacy is subject to disciplinary action under Code section  
24 4301, subdivision (o) and Code section 4081, subdivision (a), in conjunction with California  
25 Code of Regulations, title 16, section 1718, in that an audit of Respondent Nova Pharmacy  
26 revealed overages of numerous medications. Complainant refers to, and by this reference  
27 incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set  
28 forth fully herein.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Subversion of an Investigation)**

3 36. Respondent Nova Pharmacy is subject to disciplinary action under Code section  
4 4301, subdivisions (f) and (q), in that Respondent Nova Pharmacy provided to the Board  
5 fraudulent purchase history records for the period between January 6, 2015 through March 15,  
6 2017 from wholesaler International Pharmaceutical Services. Complainant refers to, and by this  
7 reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as  
8 though set forth fully herein.

9 **SEVENTH CAUSE FOR DISCIPLINE**

10 **(Misconduct by Owner and/or Persons with Management or Control)**

11 37. Respondent Nova Pharmacy is subject to disciplinary action under Code section 4302  
12 in that grounds for disciplinary action exist with respect to a person holding 10 percent or more of  
13 the ownership interest in the pharmacy and/or a person with management or control of the  
14 pharmacy. Complainant refers to, and by this reference incorporates, the allegations set forth  
15 above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

16 **CAUSES FOR DISCIPLINE AGAINST RESPONDENT ANAIDA POGOSSIAN**

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Furnishing Dangerous Drugs Without a Prescription)**

19 38. Respondent Anaida Pogossian is subject to disciplinary action under Code section  
20 4301, subdivision (o), for violating Code section 4059, subdivision (a), in that Respondent  
21 Anaida Pogossian, acting as a technician, secretary and 50% owner of Respondent Nova  
22 Pharmacy, permitted pharmacy staff to dispense prescriptions (numbers 507567 and 507568) for  
23 Dexilant 60mg and Vesicare 5mg to a patient (MM) without a prescriber's authorization. The  
24 prescriptions were authorized by Respondent Nova Pharmacy's staff without the prescriber's  
25 approval. Complainant refers to, and by this reference incorporates, the allegations set forth  
26 above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

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**NINTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct – Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

39. Respondent Anaida Pogossian is subject to disciplinary action under Code section 4301, subdivisions (f), in that Respondent Anaida Pogossian, acting as a technician, secretary and 50% owner of Respondent Nova Pharmacy, permitted pharmacy staff to provide fraudulent purchase history records for the period between January 6, 2015 and March 15, 2017 from wholesaler International Pharmaceutical Services. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

**TENTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct – False Representations)**

40. Respondent Anaida Pogossian is subject to disciplinary action under Code section 4301, subdivisions (g), in that Respondent Anaida Pogossian, acting as a technician, secretary and 50% owner of Respondent Nova Pharmacy, permitted pharmacy staff to provide fraudulent purchase history records for the period between January 6, 2015 and March 15, 2017 from wholesaler International Pharmaceutical Services. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

**ELEVENTH CAUSE FOR DISCIPLINE**

**(Failure to Maintain Adequate Records of Acquisition and Disposition)**

41. Respondent Anaida Pogossian is subject to disciplinary action under Code section 4301, subdivision (o), for violating Code sections 4081, subdivision (a), in conjunction with California Code of Regulations, title 16, section 1718 and Code section 4105, subdivisions (a) and (c), in that Respondent Anaida Pogossian, while acting as a technician, secretary and 50% owner of Respondent Nova Pharmacy during the audit periods of June 1, 2014 to March 15, 2017 and June 1, 2014 to March 16, 2017 failed to maintain accurate records for all of the medications as evidenced by the overages found as a result of the audit. Complainant refers to, and by this

reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

**TWELFTH CAUSE FOR DISCIPLINE**

**(Failure to Maintain Current Inventory)**

42. Respondent Anaida Pogossian is subject to disciplinary action under Code section 4301, subdivision (o) and Code section 4081, subdivision (a), in conjunction with California Code of Regulations, title 16, section 1718, in that Respondent Anaida Pogossian, while acting as a technician, secretary and 50% owner of Respondent Nova Pharmacy during the audit periods of June 1, 2014 to March 15, 2017 and June 1, 2014 to March 16, 2017, failed to maintain current inventory. An audit of Respondent Nova Pharmacy revealed overages of numerous medications. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

**THIRTEENTH CAUSE FOR DISCIPLINE**

**(Subversion of an Investigation)**

43. Respondent Anaida Pogossian is subject to disciplinary action under Code section 4301, subdivisions (f) and (q), in that Respondent Anaida Pogossian, while acting as a technician, secretary and 50% owner of Respondent Nova Pharmacy, permitted pharmacy staff to provide fraudulent purchase history records to the Board for the period between January 6, 2015 through March 15, 2017 from wholesaler International Pharmaceutical Services. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

**CAUSES FOR DISCIPLINE AGAINST RESPONDENT ASHKAR**

**FOURTEENTH CAUSE FOR DISCIPLINE**

**(Furnishing Dangerous Drugs Without a Prescription)**

44. Respondent Ashkar is subject to disciplinary action under Code section 4301, subdivision (o), for violating Code section 4059, subdivision (a), in that Respondent Ashkar, acting as the Pharmacist-in-Charge at Respondent Nova Pharmacy, allowed the dispensing of prescriptions (numbers 507567 and 507568) for Dexilant 60mg and Vesicare 5mg to a patient

(MM) without a prescriber's authorization. The prescriptions were generated by Respondent Nova Pharmacy's staff without the prescriber's approval. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

#### **FIFTEENTH CAUSE FOR DISCIPLINE**

##### **(Unprofessional Conduct – Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

45. Respondent Ashkar is subject to disciplinary action under Code section 4301, subdivisions (f), in that Respondent Ashkar, acting as the Pharmacist-in-Charge at Respondent Nova Pharmacy, provided fraudulent purchase history records to the Board for the period between January 6, 2015 and March 15, 2017 from wholesaler International Pharmaceutical Services. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

#### **SIXTEENTH CAUSE FOR DISCIPLINE**

##### **(Unprofessional Conduct – False Representations)**

46. Respondent Ashkar is subject to disciplinary action under Code section 4301, subdivisions (g), in that Respondent Ashkar, acting as the Pharmacist-in-Charge at Respondent Nova Pharmacy, provided fraudulent purchase history records to the Board for the period between January 6, 2015 and March 15, 2017 from wholesaler International Pharmaceutical Services. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30, inclusive, as though set forth fully herein.

#### **SEVENTEENTH CAUSE FOR DISCIPLINE**

##### **(Failure to Maintain Adequate Records of Acquisition and Disposition)**

47. Respondent Ashkar is subject to disciplinary action under Code section 4301, subdivision (o), for violating Code sections 4081, subdivision (a), in conjunction with California Code of Regulations, title 16, section 1718 and Code section 4105, subdivisions (a) and (c), in that Respondent Ashkar, while acting as the Pharmacist-in-Charge at Respondent Nova Pharmacy during the audit periods of June 1, 2014 to March 15, 2017 and June 1, 2014 to March 16, 2017,

1 failed to maintain accurate records for all of the medications as evidenced by the overages found.  
2 An audit of Respondent Nova Pharmacy revealed overages of numerous medications.  
3 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
4 paragraphs 27 through 30, inclusive, as though set forth fully herein.

5 **EIGHTEENTH CAUSE FOR DISCIPLINE**

6 **(Failure to Maintain Current Inventory)**

7 48. Respondent Ashkar is subject to disciplinary action under Code section 4301,  
8 subdivision (o) and Code section 4081, subdivision (a), in conjunction with California Code of  
9 Regulations, title 16, section 1718, in that Respondent Ashkar, acting as the Pharmacist-in-  
10 Charge at Respondent Nova Pharmacy during the audit periods of June 1, 2014 to March 15,  
11 2017 and June 1, 2014 to March 16, 2017, failed to maintain current inventory. An audit of  
12 Respondent Nova Pharmacy revealed overages of numerous medications. Complainant refers to,  
13 and by this reference incorporates, the allegations set forth above in paragraphs 27 through 30,  
14 inclusive, as though set forth fully herein.

15 **OTHER MATTERS**

16 49. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
17 PHY 44112, issued to LA Nova Pharmacy Inc., doing business as Nova Pharmacy, Armen  
18 Pogossian and Anaida Pogossian owners; LA Nova Pharmacy Inc. shall be prohibited from  
19 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
20 licensee for five years if Pharmacy Permit Number PHY 44112 is placed on probation or until  
21 Pharmacy Permit Number PHY 44112 is reinstated if it is revoked.

22 50. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
23 PHY 44112, issued to LA Nova Pharmacy Inc., doing business as Nova Pharmacy, Armen  
24 Pogossian and Anaida Pogossian owners, while Armen Pogossian has been an officer and owner  
25 and had knowledge of or knowingly participated in any conduct for which the licensee was  
26 disciplined, Armen Pogossian shall be prohibited from serving as a manager, administrator,  
27 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
28

1 Permit Number PHY 44112 is placed on probation or until Pharmacy Permit Number PHY 44112  
2 is reinstated if it is revoked.

3 51. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
4 PHY 44112, issued to LA Nova Pharmacy Inc., doing business as Nova Pharmacy, Armen  
5 Pogossian and Anaida Pogossian owners, while Anaida Pogossian has been an officer and owner  
6 and had knowledge of or knowingly participated in any conduct for which the licensee was  
7 disciplined, Anaida Pogossian shall be prohibited from serving as a manager, administrator,  
8 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
9 Permit Number PHY 44112 is placed on probation or until Pharmacy Permit Number PHY 44112  
10 is reinstated if it is revoked.

11 52. Pursuant to Code section 4307, if discipline is imposed on Pharmacist Technician  
12 Registration No. TCH 14658 issued to Anaida Pogossian, Anaida Pogossian shall be prohibited  
13 from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
14 of a licensee for five years if Pharmacist Technician Registration No. TCH 14658 is placed on  
15 probation or until Pharmacist Technician Registration No. TCH 14658 is reinstated if it is  
16 revoked.

17 53. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.  
18 RPH 37156 issued to Jaqueline Ashkar, Jaqueline Ashkar shall be prohibited from serving as a  
19 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
20 five years if Pharmacist License No. RPH 37156 is placed on probation or until Pharmacist  
21 License No. RPH 37156 is reinstated if it is revoked.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Permit Number PHY 44112, issued to LA Nova  
26 Pharmacy Inc. dba Nova Pharmacy, Armen Pogossian and Anaida Pogossian owners;

27 2. Revoking or suspending Pharmacist Technician Registration No. TCH 14658 issued  
28 to Anaida Pogossian;



1           3.     Revoking or suspending Pharmacist License No. RPH 37156 issued to Jaqueline  
2 Ashkar;

3           4.     Prohibiting LA Nova Pharmacy Inc., doing business as Nova Pharmacy, from serving  
4 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
5 for five years if Pharmacy Permit Number PHY 441112 is placed on probation or until Pharmacy  
6 Permit Number PHY 441112 is reinstated if Pharmacy Permit Number PHY 441112 issued to LA  
7 Nova Pharmacy Inc., doing business as Nova Pharmacy, is revoked;

8           5.     Prohibiting Anaida Pogossian from serving as a manager, administrator, owner,  
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
10 Number PHY 44112 is placed on probation or until Pharmacy Permit Number PHY 441112  
11 issued to Nova Pharmacy is revoked;

12           6.     Prohibiting Anaida Pogossian from serving as a manager, administrator, owner,  
13 member, officer, director, associate, or partner of a licensee for five years if Pharmacist  
14 Technician Registration No. TCH 14658 is placed on probation or until Pharmacist Technician  
15 Registration No. TCH 14658 issued to Anaida Pogossian is revoked;

16           7.     Prohibiting Armen Pogossian from serving as a manager, administrator, owner,  
17 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
18 Number PHY 44112 is placed on probation or until Pharmacy Permit Number PHY 441112  
19 issued to Nova Pharmacy is revoked;

20           8.     Prohibiting Jaqueline Ashkar from serving as a manager, administrator, owner,  
21 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License  
22 No. RPH 37156 is placed on probation or until Pharmacist License No. RPH 37156 issued to  
23 Jaqueline Ashkar is revoked;

24           9.     Ordering Nova Pharmacy, Anaida Pogossian and Jaqueline Ashkar to pay the Board  
25 of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
26 Business and Professions Code section 125.3; and,

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10. Taking such other and further action as deemed necessary and proper.

DATED: 9/21/18

*Virginia Herold*

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

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