

1
2
3
4
5
6
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. 7177

13 **KALIPSE GALAJIAN**
14 7648 Ethel Ave.
North Hollywood, CA 91605

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No.**
16 **TCH 97887**

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about September 10, 2021, Complainant Anne Sodergren, in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
22 filed Accusation No. 7177 against Kalipse Galajian (Respondent) before the Board of Pharmacy.
23 (Accusation attached as Exhibit A.)

24 2. On or about February 18, 2010, the Board issued Pharmacy Technician Registration
25 Number TCH 97887 to Kalipse Galajian (Respondent). The Pharmacy Technician Registration
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 March 31, 2023, unless renewed.

28 ///

1 3. On or about September 28, 2021, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7177, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 7648 Ethel Ave., North Hollywood, CA 91605.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

9 5. Government Code section 11506(c) states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
14 discretion may nevertheless grant a hearing.

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
17 waived her right to a hearing on the merits of Accusation No. 7177.

18 7. California Government Code section 11520(a) states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense . . . or to appear at
20 the hearing, the agency may take action based upon the respondent's express
21 admissions or upon other evidence and affidavits may be used as evidence without
22 any notice to respondent

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 7177,
28 finds that the charges and allegations in Accusation No. 7177, are separately and severally, found
to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,292.50
as of November 4, 2021.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Kalipse Galajian has subjected
3 her Pharmacy Technician Registration No. TCH 97887 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 Registration based upon the following violations alleged in the Accusation which are supported
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Business and Professions Code sections 490 and 4301, subdivision (l) [Substantially-
9 Related Criminal Conviction];

10 b. Business and Professions Code section 4301, subdivision (f) [Act of Moral Turpitude,
11 Dishonesty, Fraud and/or Deceit]; and

12 c. Business and Professions Code sections 490 and 4301, subdivision (g) [False
13 Representation of Facts].

14 **ORDER**

15 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 97887, issued to
16 Respondent Kalipse Galajian, is revoked.

17 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
18 written motion requesting that the Decision be vacated and stating the grounds relied on within
19 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
20 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

21 This Decision shall become effective on January 5, 2022 at 5:00 p.m.

22 It is so ORDERED on December 6, 2021.

23 FOR THE BOARD OF PHARMACY
24 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

25
26 By



27 Seung W. Oh, Pharm.D.
28 Board President

64665450.DOCX
DOJ Matter ID:LA2021603365
Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 CARL W. SONNE
Senior Assistant Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6322
6 Facsimile: (916) 731-2126
E-mail: Armando.Zambrano@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7177

13 **KALIPSE GALAJIAN**
7648 Ethel Ave.
14 North Hollywood, CA 91605

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 97887**

Respondent.

17
18
19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

22 2. On or about February 18, 2010, the Board issued Pharmacy Technician Registration
23 Number TCH 97887 to Kalipse Galajian (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 March 31, 2023, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground 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.

7. Section 4301 of the Code 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 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

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

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

...

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

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

8 **REGULATORY PROVISIONS**

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

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

14 **COST RECOVERY**

15 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licensee found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
19 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
20 included in a stipulated settlement.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(March 26, 2021 Criminal Conviction - Insurance Fraud on September 28, 2013)**

23 10. Respondent is subject to disciplinary action under Code sections 490 and 4301(I), in
24 conjunction with California Code of Regulations, title 16, section 1770, in that on or about March
25 26, 2021, in a criminal proceeding entitled *The People of the State of California vs. Kalipse*
26 *Galajian*, in Superior Court of California, County of Los Angeles, Case Number BA475131-03,
27 Respondent was convicted of violating Penal Code section 550(b)(1) (insurance fraud), a
28 misdemeanor. Respondent was placed on probation for 12 months with terms and conditions,

1 ordered to complete 250 hours of community service, pay victim restitution in the amount of
2 \$74,061.51 joint and several with the co-defendants, and pay fines and fees.

3 The circumstances surrounding the conviction are that on or about September 28, 2013,
4 Respondent participated in a fraudulent auto insurance claim for bodily injury and provided a
5 recorded statement to State Farm in support of the fraudulent claim. Respondent allegedly visited
6 a local chiropractic office between October 2, 2013 and January 20, 2014 for a total of 32 visits.
7 State Farm paid Respondent \$12,500 to settle her bodily injury claim.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

10 11. Respondent is subject to disciplinary action under Code section 4301(f), on the
11 grounds of unprofessional conduct, in that Respondent committed an act involving moral
12 turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of
13 relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not, as
14 alleged above in paragraph 10.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Falsely Representing the Existence or Nonexistence of a State of Facts)**

17 12. Respondent is subject to disciplinary action under Code section 4301(g), on the
18 grounds of unprofessional conduct, in that Respondent knowingly made or signed any certificate
19 or other document that falsely represents the existence or nonexistence of a state of facts, as
20 alleged above in paragraph 10.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 97887, issued to Kalipse Galajian;
2. Ordering Kalipse Galajian to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/10/2021

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2021603365
64496865.docx