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

12 In the Matter of the Statement of Issues
13 Against:

Case No. 7706

14 **LOLITA GABRIELYAN**

STATEMENT OF ISSUES

15 **Pharmacist License Applicant**

16 Respondent.

17
18 **PARTIES**

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

22 2. On or about May 10, 2023, the Board received an application for a Pharmacist
23 License from Lolita Gabrielyan (Respondent). On or about April 12, 2023, Respondent certified
24 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on October 20, 2023.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. Unless otherwise indicated, all section references are to the Business and
4 Professions Code (Code).

5 4. Section 118, subdivision (b), of the Code states that the suspension, expiration,
6 surrender, cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction
7 to proceed with a disciplinary action during the period within which the license may be renewed,
8 restored, reissued or reinstated.

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

11 6. Section 4300.1 of the Code states:

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

16 **STATUTORY PROVISIONS**

17 7. Section 4301 of the Code states:

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

20 . . .

21 (h) The administering to oneself, of any controlled substance, or the use of any
22 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous
23 or injurious to oneself, to a person holding a license under this chapter, or to any other
24 person or to the public, or to the extent that the use impairs the ability of the person to
25 conduct with safety to the public the practice authorized by the license.

24 . . .

25 (q) Engaging in any conduct that subverts or attempts to subvert an investigation
26 of the board.

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1 **REGULATORY PROVISIONS**

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

3 (a) For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
5 Business and Professions Code, a crime, professional misconduct, or act shall be
6 considered substantially related to the qualifications, functions or duties of the practice,
7 profession, or occupation that may be performed under the license type sought or held
8 if to a substantial degree it evidences present or potential unfitness of an applicant or
9 licensee to perform the functions authorized by the license in a manner consistent with
10 the public health, safety, or welfare.

11 (b) In making the substantial relationship determination required under
12 subdivision (a) for a crime, the board will consider the following criteria:

- 13 (1) The nature and gravity of the offense;
- 14 (2) The number of years elapsed since the date of the offense; and
- 15 (3) The nature and duties of the practice, profession, or occupation that may be
16 performed under the license type sought or held.

17 **FIRST CAUSE FOR DENIAL OF APPLICATION**

18 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

19 9. Respondent’s application is subject to denial under Code section 4301, subdivision
20 (h), for unprofessional conduct, in conjunction with California Code of Regulations, title 16,
21 section 1770, in that Respondent used an alcoholic beverage to the extent or in a manner as to be
22 dangerous or injurious to herself or others. Specifically, on or about August 2, 2023, an officer
23 responded to an alleyway in the City of Beverly Hills after receiving multiple reports of a female
24 voice and a male voice screaming. Upon Officer D.’s arrival, he observed a male and a female
25 walking south in the alley. Both appeared to have an unsteady gait. Officer D. exited his vehicle
26 and contacted them. The male was identified as S.A., while the female was identified as Lolita
27 Gabrielyan, who collapsed to the ground crying. While Officer D. attempted to speak with
28 Respondent, he noticed her speech was slurred, and he could smell a very strong odor of an
unknown alcoholic beverage emitting from her person and her breath. Respondent could not walk
or stand on her own safely, and she stumbled when she attempted to get up. Respondent was still
sitting on the ground crying and saying she did not know who the man walking with her was and
that she wanted to call her boyfriend to pick her up and take her home. Officer D. asked

1 Respondent who her boyfriend was, and she replied, “S[redacted].” He asked her his last name,
2 and she replied, “A[redacted].” S.A. was the same suspect identified earlier as walking with the
3 Respondent. Respondent did not allege any physical altercation occurred between her and S.A.
4 Based on Respondent’s objective signs of alcohol intoxication, Officer D. determined that
5 Respondent was unable to care for herself safely, and she was taken into custody for a violation
6 of Penal Code section 647, subdivision (f), Public Intoxication, a misdemeanor. Respondent was
7 transported to the Beverly Hills Police Department, where she was booked without incident.

8 **SECOND CAUSE FOR DENIAL OF APPLICATION**

9 **(Unprofessional Conduct - Subversion of a Board Investigation)**

10 10. Respondent’s application is subject to denial under Code section 4301, subdivision
11 (q), for engaging in any conduct that subverts or attempts to subvert a Board investigation.
12 Specifically, on or about August 29, 2023, Respondent provided an oral explanation of events
13 regarding her August 2, 2023 arrest for violating Penal Code section 647, subdivision (f), Public
14 Intoxication, a misdemeanor, to a Board investigator. However, Respondent’s account of the
15 incident did not match the details outlined in Beverly Hills Police Department Report number
16 2023-00033350.

17 **PRAYER**

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

- 20 1. Denying the application of Lolita Gabrielyan for a Pharmacist License; and
21 2. Taking such other and further action as deemed necessary and proper.

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23 DATED: 06/05/2024

24 **Sodergren,** Digitally signed by
25 **Anne@DCA** Sodergren, Anne@DCA
Date: 2024.06.05
14:58:21 -07'00'

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

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