

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
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:

Case No. 4945

13 **RICHARD COLLIE**  
14 6813 Sahalee Circle  
Radford, VA 24141

**STATEMENT OF ISSUES**

15 Applicant/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 February 25, 2013, the Board of Pharmacy, Department of Consumer  
22 Affairs received an application for a Pharmacist License from Richard Alvin Collie (Respondent).  
23 On or about February 6, 2013, Richard Alvin Collie certified under penalty of perjury to the  
24 truthfulness of all statements, answers, and representations in the application. The Board denied  
25 the application on July 1, 2013.

26 //

27 //

28 //

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 4300 of the Code states in pertinent part:

6 "(c) The board may refuse a license to any applicant guilty of  
7 unprofessional conduct. The board may, in its sole discretion, issue a probationary  
8 license to any applicant for a license who is guilty of unprofessional conduct and who  
9 has met all other requirements for licensure. The board may issue the license subject  
10 to any terms or conditions not contrary to public policy, including, but not limited to,  
11 the following:

12 "(1) Medical or psychiatric evaluation.

13 "(2) Continuing medical or psychiatric treatment.

14 "(3) Restriction of type or circumstances of practice.

15 "(4) Continuing participation in a board-approved rehabilitation program.

16 "(5) Abstention from the use of alcohol or drugs.

17 "(6) Random fluid testing for alcohol or drugs.

18 "(7) Compliance with laws and regulations governing the practice of  
19 pharmacy.

20 5. Section 480 of the Code states:

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

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

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

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

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

1           "(b) Notwithstanding any other provision of this code, no person shall be  
2 denied a license solely on the basis that he or she has been convicted of a felony if he  
3 or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with  
4 Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been  
5 convicted of a misdemeanor if he or she has met all applicable requirements of the  
6 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a  
7 person when considering the denial of a license under subdivision (a) of Section 482.

8           "(c) A board may deny a license regulated by this code on the ground that  
9 the applicant knowingly made a false statement of fact required to be revealed in the  
10 application for the license."

11                           **FIRST CAUSE FOR DENIAL OF APPLICATION**

12   **(Conviction of a crimes)**

13           6.     Respondent's application is subject to denial under section 4300 ( c) and 480 (a) (1) in  
14 that he has been convicted of crimes substantially related to the functions and duties of a  
15 pharmacist as more specifically set forth below.

16                   a.     On or about July 7, 2009, Respondent was fined in *People v. Richard Alvin*  
17 *Collie*; General District Court of Virginia, Radford County Case No. GC-09002492-00, for a  
18 violation of Code 6-2B (open container of alcohol), a misdemeanor.

19                   b.     On or about November 30, 2011, in *People v. Richard Alvin Collie*,  
20 Montgomery County General District Court of Virginia, Case No. GT11006000-00, Respondent  
21 was found guilty of violating Virginia Code section A.18.2-266 ( reckless driving), a  
22 misdemeanor. Respondent was placed on probation for 12 months and his terms included a  
23 license restriction to use to and from work and for Medically Necessary Travel.

24                   b.     On or about April 25, 2013, in *People v. Richard Alvin Collie*, General District  
25 Court of Virginia, Radford County Case No. GC13000959-00, Respondent was found guilty of  
26 violating Virginia Code section A.18.2-266 (DWI,1<sup>st</sup>), a misdemeanor. Respondent was placed  
27 on probation for a period of 12 months and his terms included a license restriction to use to and  
28 from work and for Medically Necessary Travel, Ignition Interlock Restriction.

**SECOND CAUSE FOR DENIAL OF APPLICATION**

**(False or Misleading Statements)**

          7.     On or about February 25, 2013 Respondent submitted an application for licensure as a  
Pharmacist, as set forth in paragraph 2 above. Respondent indicated in his response to Item 18 on

1 the application that he had been convicted of a felony or misdemeanor. Question 18 on the  
2 application stated, "Check the box next to "YES" if, you have been convicted or plead guilty to  
3 any crime... You do not need to report a conviction for an infraction with a fine of less than \$300  
4 unless the infraction involved alcohol or controlled substances."

5 8. Respondent's application is subject to denial pursuant to Code sections 480,  
6 subdivision (a)(3)(A), in that Respondent made statements which he knew, or in the exercise of  
7 reasonable care should have known, to be untrue or misleading, as follows: Respondent certified  
8 under penalty of perjury on his application that he had been convicted of reckless driving in  
9 November of 2011 but failed to disclose his July 7, 2009, conviction for open container of  
10 alcohol, set forth in subparagraph 6 (a) above.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Dishonest Acts)**

13 9. Respondent's application is subject to denial pursuant to Code section 480,  
14 subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or deceit with  
15 the intent to substantially benefit himself or another, or substantially injure another, as set forth in  
16 paragraph 8 above.

17 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

18 **(False Statement in Respondent's Application for Registration)**

19 10. Respondent's application is subject to denial pursuant to Code section 480,  
20 subdivision (c), in that Respondent knowingly made false statements of fact required to be  
21 revealed in his application for registration as an electronic service dealer, as set forth in paragraph  
22 8 above.

23 /

24 /

25 /

26 /

27 /

28 /

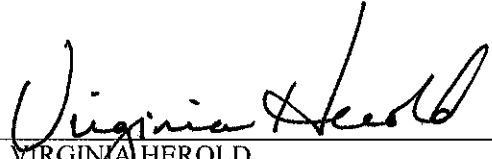
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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. Denying the application of Richard Alvin Collie for a pharmacist; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 4/8/14



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

SA2013113086  
11256340.doc