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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2663

11 KORNELIA ELIZABETH NAGY
a.k.a. KORNELIA E. NAGY
12 a.k.a. KORA NAGY
555 Mark Drive
13 Simi Valley, CA 93065

**DEFAULT DECISION
AND ORDER**

14 Pharmacy Technician
15 Registration Number TCH 21269,

[Gov't. Code Section 11520(a)]

16 Respondent.

17
18 Respondent KORNELIA ELIZABETH NAGY, a.k.a KORNELIA E. NAGY,
19 a.k.a. KORA NAGY, having been served with Accusation No. 2003-110, along with the
20 Statement to Respondent, Notice of Defense form; copies of Government Code sections
21 11507.5, 11507.6, and 11507.7, and a Request for Discovery by first class and certified mail on
22 September 24, 2003, at her address of record, as provided in sections 11503 and 11505 of the
23 Government Code, and having also been served on September 24, 2003 by first class mail at the
24 California Institute for Women (CIW) located in Corona, California, failed to file a timely Notice
25 of Defense., and is therefore in default.

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1 The term “unprofessional conduct” is expressly defined at 4301 sub-
2 section “f” to include the commission of any act involving moral turpitude, dishonesty, fraud,
3 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
4 otherwise, and whether the act is a felony or misdemeanor or not.

5 The term "unprofessional conduct" is further expressly defined at 4301
6 sub-section "j" to include the violation of any of the statutes of this state or of the United States
7 regulating controlled substances and dangerous drugs.

8 The term “unprofessional conduct” is further expressly defined at 4301
9 sub-section “i” to include the conviction of a crime substantially related to the qualifications,
10 functions, and duties of a license.

11 6. Business and Professions Code section 490 provides that the Board may
12 suspend or revoke a license when it finds that the licensee has been convicted of a crime, if the
13 crime is substantially related to the qualifications, functions, or duties of that license.

14 7. Health and Safety Code, section 11378 provides that possession for sale of
15 certain controlled substances, including Methamphetamine, a Schedule II controlled substance,
16 shall be punished by imprisonment in state prison.

17 8. Title 16, California Code of Regulations section 1770 provides that for
18 purpose of denial, suspension, or revocation of a license, a crime or act shall be considered
19 substantially related to the qualifications, functions or duties of a licensee if to a substantial degree
20 it evidences present or potential unfitness of a licensee to perform the functions authorized by his
21 license in a manner consistent with public health, safety, or welfare.

22 9. Section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

26 10. Methamphetamine is a Schedule II controlled substances as defined in
27 Health and Safety Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to
28 Business and Professions Code section 4022 of the Code.

1 11. Respondent is subject to disciplinary action pursuant to Business and
2 Professions Code section 490 in conjunction with Title 16, California Code of Regulations section
3 1770 by reason of her two conviction(s) of crimes substantially related to the qualifications,
4 functions, and duties of the profession for which the license was issued, as follows:

5 (a) **First Conviction: February 27, 2003**

6 On or about February 27, 2003, in *People of the State of California v.*
7 *Kornelia Elizabeth Nagy*, Ventura County Superior Court, criminal case no. 2002033975 FA,
8 Respondent was convicted on her plea of guilty of violating Health and Safety Code section
9 11378, possession for sale of a controlled substance (methamphetamine), a felony.

10 (b) The circumstances of the first conviction are found to be as follows: The
11 conviction was for conduct occurring on October 4, 2002. On that date, Respondent's vehicle was
12 stopped by Ventura County Sheriffs Department officers, due to an inoperative brake light. After
13 observing Respondent and her passenger, and conducting a series of drug abuse recognition field
14 tests with Respondent, officers determined she was under the influence, and arrested her. At the
15 time of the arrest, officers found a glass pipe with residue, and six plastic bags of
16 methamphetamine in Respondent's purse, and a small bag of methamphetamine on the floor of
17 her car.

18 (c) **Second Conviction: April 22, 2003**

19 On or about April 22, 2003, in *People of the State of California v. Kornelia*
20 *Elizabeth Nagy*, Ventura County Superior Court criminal case no. 2003008707, Respondent was
21 convicted on her plea of guilty of violating Health and Safety Code section 11378, possession for
22 sale of a controlled substance (methamphetamine), a felony.

23 (d) The circumstances of the second conviction are found to be as follows.
24 The conviction was for conduct occurring on March 13, 2003, while Respondent was awaiting
25 sentencing on her conviction of February 27, 2003 (case no. 2002033975 FA), and released from
26 custody on her own recognizance. After reports from neighbors about suspicious activity at a Simi
27 Valley house frequented by Respondent, Simi Valley Police Department officers began
28 surveillance of the house, and eventually obtained a search warrant. Respondent was present

1 **ORDER**

2 **WHEREFORE**, for the aforesaid causes, technician registration number TCH
3 21269, issued to Respondent Kornelia Elizabeth Nagy, a.k.a. Kornelia E. Nagy, a.k.a. Kora Nagy,
4 is revoked. Respondent shall relinquish her pocket technician registration to the Board within ten
5 (10) days of the effective date of this decision. Respondent may not petition the Board for
6 reinstatement of her revoked technician registration for three (3) years from the effective date of
7 this decision.

8 A condition of reinstatement shall be that the Respondent is certified by the
9 Pharmacy Technician Certification Board (PTCB) and provides satisfactory proof of certification
10 to the Board.

11 Upon reinstatement, if any, of her technician registration, Respondent shall
12 reimburse the Board for its costs of investigation and prosecution in the amount of \$ 2,290.(Two
13 thousand, two hundred and ninety dollars), and said amount shall be paid in full prior to the
14 reinstatement of her technician registration. If the Respondent fails to pay the amount specified,
15 her technician registration shall remain revoked.

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

20
21 This Order shall become effective on the 26th day of March,
22 2004.

23 Dated and signed this 25th day of February, 2004.

24 BOARD OF PHARMACY
25 DEPARTMENT OF CONSUMER AFFAIRS
26 STATE OF CALIFORNIA

27
28 By



JOHN D. JONES
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106092
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:)

Case No. 2663

12 KORNELIA ELIZABETH NAGY)

13 a.k.a. KORNELIA E. NAGY)

14 a.k.a. KORA NAGY)

15 555 Mark Drive)

Simi Valley, California 93065)

ACCUSATION

16 Pharmacy Technician)

17 Registration Number TCH 21269)

18 Respondent.)
19

20 Complainant alleges:

21 PARTIES

22 1. Patricia F. Harris ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
24 Affairs.

25 2. On or about January 27, 1997, the Board of Pharmacy issued Pharmacy
26 Technician Registration Number TCH 21269 to Kornelia Elizabeth Nagy a.k.a. Kornelia E.
27 Nagy, a.k.a. Kora Nagy ("Respondent"). The license held by Respondent, which was in full
28 force and effect at all times relevant to the charges brought herein, is currently under summary

1 suspension due to Respondent's felony conviction(s) in May, 2003, and has an expiration date of
2 February 29, 2004.

3 JURISDICTION

4 3. This Accusation is brought before the Board of Pharmacy ("Board"),
5 under the authority of the following sections of the Business and Professions Code ("Code").

6 4. Section 4300 permits the Board to take disciplinary action to suspend or
7 revoke a license or permit.

8 5. Section 118(b) provides that the suspension, expiration, or forfeiture by
9 operation of law of a license issued by a Board in the department, or its suspension, forfeiture, or
10 cancellation by order of the Board or by order of a court of law, or its surrender without the
11 written consent of the Board, shall not, during any period in which it may be renewed, restored,
12 reissued, or reinstated, deprive the Board of its authority to discipline said license .

13 6. Section 4301 provides that the Board shall take action against any holder
14 of a license who is guilty of unprofessional conduct or whose license has been procured by fraud
15 or misrepresentation or issued by mistake.

16 The term "unprofessional conduct" is expressly defined at sub-section "f"
17 to include the commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
18 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
19 whether the act is a felony or misdemeanor or not.

20 The term "unprofessional conduct" is further expressly defined at sub-
21 section "j" to include the violation of any of the statutes of this state or of the United States
22 regulating controlled substances and dangerous drugs.

23 The term "unprofessional conduct" is further expressly defined at sub-section "l"
24 to include the conviction of a crime substantially related to the qualifications, functions, and
25 duties of a license.

26 7. Section 490 provides that the Board may suspend or revoke a license when
27 it finds that the licensee has been convicted of a crime, if the crime is substantially related to the
28 qualifications, functions, or duties of that license.

1 conviction(s) of crimes substantially related to the qualifications, functions, and duties of the
2 profession for which the license was issued, as follows:

3 A. CONVICTION:
4 POSSESSION FOR SALE (February 2003)

5 On or about February 27, 2003, in *People of the State of*
6 *California v. Kornelia Elizabeth Nagy*, Ventura County Superior Court, criminal case number
7 2002033975 FA, Respondent was convicted on her plea of guilty of violating Health and Safety
8 Code section 11378, possession for sale of a controlled substance (methamphetamine), a felony.

9 **Circumstances of the conviction** : The conviction was for
10 conduct occurring on October 4, 2002. On that date, Respondent's vehicle was stopped by
11 Ventura County Sheriffs Department officers, due to an inoperative brake light. After observing
12 Respondent and her passenger, and conducting a series of drug abuse recognition field tests with
13 Respondent, officers determined she was under the influence, and arrested her. At the time of the
14 arrest, officers found a glass pipe with residue, and six plastic bags of methamphetamine in
15 Respondent's purse, and a small bag of methamphetamine on the floor of her car.

16 B. CONVICTION:
17 POSSESSION FOR SALE (April, 2003)

18 On or about April 22, 2003, in *People of the State of California v.*
19 *Kornelia Elizabeth Nagy*, Ventura County Superior Court criminal case number 2003008707,
20 Respondent was convicted on her plea of guilty of violating Health and Safety Code section
21 11378, possession for sale of a controlled substance (methamphetamine), a felony.

22 **Circumstances of the conviction** : The conviction was for
23 conduct occurring on March 13, 2003, while Respondent was awaiting sentencing on her
24 conviction of February 27, 2003 (case number 2002033975), and released from custody on her
25 own recognizance. After reports from neighbors about suspicious activity at a Simi Valley house
26 frequented by Respondent, Simi Valley Police Department officers began surveillance of the
27 house, and eventually obtained a search warrant. Respondent was present during search pursuant
28 to the warrant on March 13, 2003, during which officers found a locked safe. Further search
revealed the combination to the safe on a paper in Respondent's purse. Subsequent search of the

1 safe disclosed several containers of methamphetamine (approximately one-half pound), scales,
2 empty prescription forms, and miscellaneous paraphernalia.

3 SECOND CAUSE FOR DISCIPLINE

4 **(Unprofessional Conduct - Conviction(s))**

5 13. Respondent has subjected her license to discipline pursuant to section
6 4300 for unprofessional conduct as defined in section 4301(l), by reason of her two convictions,
7 as described in paragraph 12 above, of crimes which are substantially related to the
8 qualifications, functions, and duties of a licensee.

9 THIRD CAUSE FOR DISCIPLINE

10 **(Unprofessional Conduct - Violation of Statutes Regulating Controlled Substances)**

11 14. Respondent has subjected her license to discipline for unprofessional
12 conduct pursuant to section 4300 as defined in section 4301(j) by reason of her violation of state
13 penal statutes regulating controlled substances, as described in paragraph 12 above.

14
15 FOURTH CAUSE FOR DISCIPLINE

16 **(Unprofessional Conduct - Moral Turpitude, Dishonesty, Corruption)**

17 15. Respondent has subjected her license to discipline for unprofessional
18 conduct pursuant to section 4300 as defined in section 4301(f) by reason of her act(s) involving
19 moral turpitude, dishonesty and corruption as described in paragraph 12, above.

20
21 PRAYER

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH
25 21269, issued to KORNELIA ELIZABETH NAGY, a.k.a KORNELIA E. NAGY, a.k.a. KORA
26 NAGY;

27 2. Ordering KORNELIA ELIZABETH NAGY, a.k.a KORNELIA E.
28 NAGY, a.k.a. KORA NAGY to pay the Board of Pharmacy the reasonable costs of the

1 investigation and enforcement of this case, pursuant to Business and Professions Code section
2 125.3;

3 3. Taking such other and further action as deemed necessary and proper.
4

5
6 DATED: 9/12/03
7

8
9
10 *P. F. Harris*

11 PATRICIA F. HARRIS
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California

16 Complainant
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DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

In the Matter of the Accusation Against:
KORNELIA ELIZABETH NAGY
a.k.a. KORNELIA E. NAGY
a.k.a. KORA NAGY
Agency Case No. 2663

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 24, 2003, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 So. Spring St., Los Angeles, CA 90013, addressed as follows:

Kornelia Elizabeth Nagy
a.k.a. Kornelia E. Nagy
a.k.a. Kora Nagy
555 Mark Drive
Simi Valley, CA 93065

Certified Mail No.:
7001 0360 0003 2715 4445

Kornelia Elizabeth Nagy
a.k.a. Kornelia E. Nagy
a.k.a. Kora Nagy
Inmate CDC No. W 99152
c/o California Institute for Women (CIW)
16756 Chino Corona Road
Corona, CA 92880-9508

(By Regular U.S. Mail)

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 24, 2003, at Los Angeles, California.

Judith A. Baerresen

Typed Name

SUSAN MELTON WILSON, DAG
03583110-LA2003600402


Signature

Kearney