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

<p>In the Matter of the Statement of Issues Against:</p> <p><b>RODNEY VERNON COREY</b> <b>aka PAUL MCCORMICK</b></p> <p><b>Applicant for Pharmacy Technician License</b></p> <p style="text-align: right;">Respondent.</p>	<p>Case No. 5002</p> <p>OAH No. 2014060584</p> <p><b>DEFAULT DECISION AND ORDER</b></p> <p>[Gov. Code, § 11520]</p>
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FINDINGS OF FACT

1. On or about April 8, 2014, Complainant Virginia Herold, in her official capacity as Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Statement of Issues No. 5002 against Rodney Vernon Corey (Respondent) before the Board of Pharmacy.
2. On or about April 5, 2013, Respondent filed an Application for Registration as a Pharmacy Technician, dated March 26, 2013, with the Board of Pharmacy.
3. On or about September 13, 2013, the Board issued a letter denying Respondent's Application. On or about September 17, 2013, Respondent appealed the Board's denial of his application and requested a hearing.
4. On or about April 21, 2014, an employee of the Department of Justice served on Respondent, by Certified and First Class Mail: Statement of Issues No. 5002; a Statement to Respondent; Respondent/Applicant's Notice of Designation of Counsel (2 copies); Request for Hearing (2 copies); Respondent/Applicant's Notice of Withdrawal of Request for Hearing (2 copies); a Request for Discovery; and Government Code sections 11507.5, 11507.6, and 11507.7,

1 to Respondent's address on the application form, which was and is 903 California Street #3,  
2 Eureka, CA 95501. A copy of the Statement of Issues is attached as exhibit A, and is  
3 incorporated herein by reference.

4 5. Service of the Statement of Issues was effective as a matter of law under the  
5 provisions of Government Code section 11505, subdivision (c).

6 6. On or about June 17, 2014, a Notice of Hearing was served by Certified and First  
7 Class Mail to Respondent's address on the application, informing him that an administrative  
8 hearing in this matter was scheduled for July 23, 2014, at 1:00 p.m.

9 7. Respondent failed to appear at that hearing.

10 8. Government Code section 11506 states, in pertinent part:

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

16 9. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the  
18 hearing, the agency may take action based upon the respondent's express admissions  
19 or upon other evidence and affidavits may be used as evidence without any notice to  
20 respondent; and where the burden of proof is on the respondent to establish that the  
21 respondent is entitled to the agency action sought, the agency may act without taking  
22 evidence.

23 10. 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 based upon the  
25 allegations set forth in the Statement of Issues and Respondent's failure to establish entitlement to  
26 issuance of a license.

#### 27 DETERMINATION OF ISSUES

28 1. Based on the foregoing findings of fact, Respondent Rodney Vernon Corey has  
subjected his application for a Pharmacy Technician License to denial.

2. Service of Statement of Issues No. 5002 and related documents was proper and in  
accordance with the law.

3. The agency has jurisdiction to adjudicate this case by default.

1           4.     The Board of Pharmacy is authorized to deny Respondent's application for licensure  
2 based upon the following violations alleged in the Statement of Issues:

3           a.     Respondent's application is subject to denial under the following section(s) of  
4 the Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l)  
5 and California Code of Regulations, title 16, section 1770, for conviction of a substantially related  
6 crime or crimes, in that between in or about 1986 and in or about 2008, Respondent suffered four  
7 (4) substantially related convictions: (1) On or about October 31, 1986, in a criminal case titled  
8 *People v. Rodney Vernon Corey*, Case No. 10596 in Humboldt County Superior Court,  
9 Respondent was convicted of violating Penal Code section 288, subdivision (a) (Lewd and  
10 Lascivious Act With/Upon Body of Child Under 14), a felony; (2) On or about March 27, 2008,  
11 in a criminal case titled *People v. Rodney Vernon Corey*, Case No. CR081344S in Humboldt  
12 County Superior Court, Respondent was convicted of violating Vehicle Code section 23152,  
13 subdivision (a) (Driving Under the Influence of Alcohol or Drug), a misdemeanor, with an  
14 admitted special allegation that he had a blood alcohol content of 0.15% or more at the time of the  
15 offense; (3) On or about March 27, 2008, in a criminal case titled *People v. Rodney Vernon*  
16 *Corey*, Case No. CR081451S in Humboldt County Superior Court, Respondent was convicted of  
17 violating Vehicle Code section section(s) 23103/23103.5 (Reckless Driving with Alcohol  
18 Involved ["Wet Reckless"]), a misdemeanor; and (4) On or about May 29, 2008, in a criminal  
19 case titled *People v. Rodney Vernon Corey*, Case No. CR082390S in Humboldt County Superior  
20 Court, Respondent was convicted of violating Vehicle Code section 14601.5, subdivision (a)  
21 (Driving with Suspended License), a misdemeanor.

22           b.     Respondent's application is subject to denial under the following section(s) of  
23 the Code: 480(a)(3) by reference to 4301(k); and/or 4300(c) by reference to 4301(k), in that, as  
24 described above, Respondent was convicted of more than one misdemeanor involving the use or  
25 consumption of an alcoholic beverage.

26           c.     Respondent's application is subject to denial under the following section(s) of  
27 the Code: 480(a)(3) by reference to 4301(h); and/or 4300(c) by reference to 4301(h), in that, as  
28 described above, Respondent made dangerous or injurious use of alcohol.

1 d. Respondent's application is subject to denial under the following section(s) of  
2 the Code: 480(c); 480(a)(2); 480(a)(3) by reference to 4301(f) and/or (g); and/or 4300(c) by  
3 reference to 4301(f) and/or (g) in that in his Application for Registration as a Pharmacy  
4 Technician signed and submitted on or about March 26, 2013, Respondent was dishonest and/or  
5 falsely represented and/or made false statement(s) of fact regarding the nature, status, and/or  
6 significance of the elements of his criminal history.

7 e. Respondent's application is subject to denial under the following section(s) of  
8 the Code: 480(a)(3) by reference to 4301; and/or 4300(c) by reference to 4301, in that, as  
9 described above, Respondent engaged in unprofessional conduct.

10  
11 ORDER

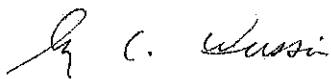
12 IT IS SO ORDERED that the application of Respondent Rodney Vernon Corey is hereby  
13 denied.

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

18 This Decision shall become effective on September 18, 2014.

19 It is so ORDERED August 19, 2014.

20 BOARD OF PHARMACY  
21 DEPARTMENT OF CONSUMER AFFAIRS  
22 STATE OF CALIFORNIA

23 By   
24 STAN C. WEISSER  
Board President

25 DOJ docket number:SF2013406721  
26 41031272.DOC

27 Attachment:

28 Exhibit A: Statement of Issues No. 5002

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**Exhibit A**

**Statement of Issues No. 5002**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 State Bar No. 214663  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
5 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

9 In the Matter of the Statement of Issues Against:

Case No. 5002

10 **RODNEY VERNON COREY**  
11 **aka PAUL MCCORMICK**

**STATEMENT OF ISSUES**

**Applicant for Pharmacy Technician License**

Respondent.

14  
15  
16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about April 5, 2013, the Board of Pharmacy, Department of Consumer Affairs  
21 received an Application for Registration as a Pharmacy Technician from Rodney Vernon Corey  
22 aka Paul McCormick (Respondent). On or about March 26, 2013, Respondent certified under  
23 penalty of perjury as to the truthfulness of all statements, answers, and representations in the  
24 application. The Board denied the application on or about September 13, 2013.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Board of Pharmacy (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code (Code) unless otherwise indicated.







1 c. On or about July 21, 1987, Respondent was sentenced to six (6) years in state  
2 prison, with the execution of sentence suspended in favor of the imposition of a period of formal  
3 probation of five (5) years, on terms and conditions including 365 days in county jail (with 1 day  
4 suspended, CTS 35 days), and payment of fines and fees.

5 d. On or about March 29, 1989, Respondent's probation was revoked and then  
6 reinstated, with a further requirement that he serve an additional thirty (30) days in county jail.

7 9. On or about March 27, 2008, in a criminal case titled *People v. Rodney Vernon*  
8 *Corey*, Case No. CR081344S in Humboldt County Superior Court, Respondent was convicted of  
9 violating Vehicle Code section 23152, subdivision (a) (Driving Under the Influence of Alcohol or  
10 Drug), a misdemeanor, with an admitted special allegation that he had a blood alcohol content of  
11 0.15% or more at the time of the offense. The conviction was entered as follows:

12 a. On or about February 26, 2008, Respondent was charged in Case No.  
13 CR081344S with violating (1) Vehicle Code section 23152, subdivision (a) (Driving Under the  
14 Influence of Alcohol or Drug), a misdemeanor, and (2) Vehicle Code section 23152, subdivision  
15 (b) (Driving With Blood Alcohol of 0.08% or More), a misdemeanor, with a special allegation  
16 that Respondent had a blood alcohol content of 0.15% or more per Vehicle Code section 23578.

17 b. On or about March 27, 2008, Respondent pleaded guilty and was convicted of  
18 the first count of violating Vehicle Code section 23152, subdivision (a) (Driving Under the  
19 Influence of Alcohol or Drug), a misdemeanor, and also admitted to the special allegation of  
20 having a blood alcohol content of 0.15% or more. The second count was dismissed.

21 c. On or about March 27, 2008, imposition of sentence was suspended in favor of  
22 the imposition of a period of conditional revocable release (probation) of three (3) years, on terms  
23 and conditions including twenty (20) days in county jail, required completion of a multiple  
24 offender alcohol program, and payment of fines and fees.

25 10. On or about March 27, 2008, in a criminal case titled *People v. Rodney Vernon*  
26 *Corey*, Case No. CR081451S in Humboldt County Superior Court, Respondent was convicted of  
27 violating Vehicle Code section section(s) 23103/23103.5 (Reckless Driving with Alcohol  
28 Involved ["Wet Reckless"]), a misdemeanor. The conviction was entered as follows:

1 a. On or about March 4, 2008, Respondent was charged in Case No. CR081451S  
2 with violating Vehicle Code section 23152, subdivision (a) (Driving Under the Influence of  
3 Alcohol or Drug), a misdemeanor, with a special allegation that Respondent refused/failed to  
4 complete a chemical test as required per Vehicle Code section 23577.

5 b. On or about March 27, 2008, Respondent pleaded guilty and was convicted of a  
6 lesser/negotiated charge of violating Vehicle Code section(s) 23103/23103.5 (Reckless Driving  
7 with Alcohol Involved [“Wet Reckless”]), a misdemeanor.

8 c. On or about March 27, 2008, imposition of sentence was suspended in favor of  
9 the imposition of a period of conditional revocable release (probation) of three (3) years, on terms  
10 and conditions including attending alcohol education and payment of fines and fees.

11 11. On or about May 29, 2008, in a criminal case titled *People v. Rodney Vernon Corey*,  
12 Case No. CR082390S in Humboldt County Superior Court, Respondent was convicted of  
13 violating Vehicle Code section 14601.5, subdivision (a) (Driving with Suspended License), a  
14 misdemeanor. The conviction was entered as follows:

15 a. On or about April 21, 2008, Respondent was charged in Case No. CR082390S  
16 with violating Vehicle Code section 14601.5, subdivision (a) (Driving with Suspended License), a  
17 misdemeanor. On or about May 29, 2008, Respondent pleaded guilty and was convicted violating  
18 Vehicle Code section 14601.5, subdivision (a) (Driving with Suspended License), a misdemeanor.

19 b. On or about May 29, 2008, imposition of sentence was suspended in favor of  
20 the imposition of a period of conditional revocable release (probation) of one (1) year, on terms  
21 and conditions including payment of fines and fees.

22 12. On or about October 12, 2012, Respondent’s petition(s) pursuant to Penal Code  
23 section 1203.4 in Case Nos. CR081344S, CR081451S, and CR082390S were granted, and his  
24 plea, verdict, and finding of guilt in each of these matters was set aside, a plea of not guilty was  
25 entered, and each of the cases was dismissed. In each case, the Order For Dismissal stated, in  
26 pertinent part: “a. The defendant is required to disclose the above conviction in response to any  
27 direct question contained in any questionnaire or application for public office or for licensure by  
28 any state or local agency or for contracting with the California State Lottery.”

1           13. On or about March 26, 2013, Respondent signed his Application for Registration as a  
2 Pharmacy Technician and included affidavit, certifying under penalty of perjury the truth and  
3 accuracy of all statements, answers, and representations therein. That Application includes seven  
4 yes/no questions on pages 2 and 3 which are preceded by the instruction: **You must provide a**  
5 **written explanation for all affirmative answers indicated below. Failure to do so may result**  
6 **in this application being deemed incomplete and being withdrawn.**

7           Question 7 of this series of questions in the Application then asks:

8           Have you ever been convicted of any crime in any state, the USA and its territories, military  
9 court or foreign country? Check the box next to "Yes" if you have ever been convicted or plead  
10 guilty to any crime. "Conviction" includes a plea of no contest and any conviction that has been  
11 set aside or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code, including infractions,  
12 misdemeanors, and felonies. You do not need to report a conviction for an infraction with a fine  
13 of less than \$300 unless the infraction involved alcohol or controlled substances. You must,  
14 however, disclose any convictions in which you entered a plea or no contest and any convictions  
15 that were subsequently set aside or deferred pursuant to sections 1000 or 1203.4 of the Penal  
16 Code. Check the box next to "NO" if you have not been convicted of a crime. You may wish to  
17 provide the following information in order to assist the processing of your application:  
18 descriptive explanation of the circumstances surrounding the conviction (i.e. dates and location of  
19 incident and all circumstances surrounding the incident.) If documents were purged by the  
20 arresting agency and/or court, a letter of explanation from these agencies is required. **Failure to**  
21 **disclose a disciplinary action or conviction may result in the license being denied or revoked**  
22 **for falsifying the application. Attach additional sheets if necessary.**

23           14. Respondent checked the box for "Yes" in response to Question 7, and attached a brief  
24 statement describing his conviction in 1987 of violating Penal Code section 288, subdivision (a),  
25 along with an Application for Clemency that he said had been submitted to the Governor. There  
26 was no disclosure in the application or its attached materials of any of Respondent's other three  
27 convictions suffered in March and April 2008.

28           ///

1           15. On or about June 14, 2013, the Board sent a letter to Respondent asking him to give  
2 written explanation(s) of the specific circumstances of the convictions identified in paragraphs 8,  
3 9, and 10 above, as well as an explanation for his failure to disclose the two 2008 convictions.  
4 The letter also requested that Respondent submit a DMV report showing his driving status, etc.

5           16. On or about June 25, 2013, Respondent sent a responsive letter attaching a copy of his  
6 DMV report, which for the first time disclosed the conviction identified in paragraph 11 above.

7           17. On or about July 3, 2013, Respondent sent a responsive letter briefly describing the  
8 circumstances of the convictions identified in paragraphs 8, 9, and 10 above, and explaining his  
9 failure to disclose the convictions identified in paragraphs 9 and 10 above as being based on his  
10 belief that those convictions had been "dismissed" and were no longer required to be disclosed.

11                                   FIRST CAUSE FOR DENIAL OF APPLICATION

12                                   (Conviction of Substantially Related Crime(s))

13           18. Respondent's application is subject to denial under the following section(s) of the  
14 Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l) and  
15 California Code of Regulations, title 16, section 1770, for conviction of a substantially related  
16 crime or crimes, in that between in or about 1986 and in or about 2008, as described above in  
17 paragraphs 8, 9, 10, and 11, Respondent suffered four (4) substantially related convictions.

18                                   SECOND CAUSE FOR DENIAL OF APPLICATION

19                                   (Conviction of Alcohol-Involved Crimes)

20           19. Respondent's application is subject to denial under the following section(s) of the  
21 Code: 480(a)(3) by reference to 4301(k); and/or 4300(c) by reference to 4301(k), in that, as  
22 described in paragraphs 9 and 10 above, Respondent was convicted of more than one  
23 misdemeanor involving the use or consumption of an alcoholic beverage.

24                                   THIRD CAUSE FOR DENIAL OF APPLICATION

25                                   (Dangerous or Injurious Use of Alcohol)

26           20. Respondent's application is subject to denial under the following section(s) of the  
27 Code: 480(a)(3) by reference to 4301(h); and/or 4300(c) by reference to 4301(h), in that, as  
28 described in paragraphs 9 and 10 above, Respondent made dangerous or injurious use of alcohol.

