

**IN THE MATTER OF**

**BRIAN BODDIE**

**APPLICANT**

\*

**BEFORE THE**

\*

**STATE BOARD OF**

\*

**PHARMACY**

\*

**Case No. PT-15-016**

\* \* \* \* \*

**FINAL ORDER OF DENIAL OF  
PHARMACY TECHNICIAN REGISTRATION**

On August 19, 2015, the State Board of Pharmacy (the "Board"), notified the Applicant, Brian Boddie, that it was initially denying him a registration to practice as a Pharmacy Technician (Pharm Tech). The Notice informed the Applicant that he had 30 days to request a hearing. More than 30 days have elapsed and the Respondent failed to request a hearing. Therefore, this Order is Final.

**BASIS FOR DENIAL OF PHARM TECH REGISTRATION**

The Board, pursuant to the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.*, (2014 Repl. Vol. II), notified the Applicant of the Board's intent to initially deny the Applicant's application for registration for violation of the following provisions:

The pertinent provisions of § 12-6B-09 of the Act state: Grounds for reprimand or denial, probation, suspension, or revocation of registration:

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:

- (i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
- (ii) Any appeal or other proceeding is pending regarding the matter [;].

§ 12-6B-02. Qualifications

- (a) In general. -- To qualify for registration an applicant shall be an individual who:

\* \* \*

- (2) Meets the requirements of this section.

- (b) Good moral character; -- The applicant shall:

- (1) Be of good moral character [;].

**BASES OF DENIAL**

The Board based its decision to initially deny the registration on the foregoing reasons which the Board has reason to believe are true:

1. The Applicant applied with the Board for registration in Maryland as a Pharm Tech on August 18, 2014.

2. The Applicant answered "Yes" to the following question in the Personal Attestation Questions section. "Have you committed a criminal act for which you pled guilty or nolo contendere (see definition below) or for which you were convicted or received probation before judgment?"

3. Each "yes" answer required the Applicant to provide a *detailed* explanation and *supporting documentation*. Failure to provide complete and correct information could result in delay, or *denial*, of [your] the application for registration. (Emphasis added.) The Applicant provided no explanation regarding his "yes" answer.

4. On September 25, 2014, the Board received a five-page listing of criminal activities committed by the Applicant in response to the Board's inquiry to the Department of Public Safety and Correctional Services (DPSC).

5. By email dated October 21, 2014, the Applicant explained to Board staff that in "1986, there was a conviction for involuntary manslaughter for which I was later released and later successfully completed the necessary supervision."

6. By an undated correspondence, the Applicant wrote to the Board's Investigator indicating that he had enclosed the "disposition and final analysis of the most severe [sic] and a document explaining the verbiage of each case." The Applicant explained why he was charged with carrying a "pistol without a license". He further explained that he was "found guilty of a misdemeanor." The Applicant stated that he "didn't get released on parole supervision until Feb. 1996 and if I would have gotten a PCP conviction while on parole, I would have been sent back to prison."

7. Because the Applicant still had not fully explained each criminal act listed by the DPSC, Board staff sent him a letter, dated February 6, 2015, listing the offenses pursuant to the DPSC document, beginning with a cannabis arrest in 1983 to a 2008 prostitution solicitation. The Applicant sent in a document which listed several cases, without explaining in detail what the listing was intended to show and without addressing all charges. The Applicant failed to provide an explanation for each case, as required.

8. As set forth above, by committing and pleading guilty to crimes of moral turpitude, the Applicant violated § 12-6B-09 (22) of the Act. As set forth above, the Applicant failed to meet the requisite requirement of "good moral character" and, thus, violated § 12-6B-02 of the Act. By failing to fully disclose and explain the Applicant's

criminal activity, the Applicant failed to complete the application for which the application is denied.

**CONCLUSIONS OF LAW**

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated 12-6B-09 (22) and § 12-6B-02 of the Act.

**ORDER**

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland applied for by **BRIAN BODDIE**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with § 12-316 of the Act, S.G. § 10-201 et seq., (2014 Repl. Vol. II) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

10/21/2015  
Date

Mitra Gavvani  
Mitra Gavvani, Pharm.D., President  
Board of Pharmacy