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

12 In the Matter of the Statement of Issues  
Against:

Case No. 7929

13 **MCKENZI MARIE KOOMAS**

**STATEMENT OF ISSUES**

14 **Pharmacy Technician License Applicant**

15 **Respondent.**

16  
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 June 3, 2024, the Board received an application for a Pharmacy  
23 Technician License from McKenzie Marie Koomas (Respondent). On or about May 26, 2024,  
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on October 3, 2024.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the Board for the Department of Consumer  
28 Affairs, under the authority of the following laws. All section references are to the Business and

1 Professions Code (Code) unless otherwise indicated.

2 4. Code section 118 states in relevant part:

3 (a) The withdrawal of an application for a license after it has been filed with a board  
4 in the department shall not, unless the board has consented in writing to such withdrawal,  
5 deprive the board of its authority to institute or continue a proceeding against the applicant  
6 for the denial of the license upon any ground provided by law or to enter an order denying  
7 the license upon any such ground.

8 5. Code section 4300, subdivision (c) states:

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

- 15 (1) Medical or psychiatric evaluation.
- 16 (2) Continuing medical or psychiatric treatment.
- 17 (3) Restriction of type or circumstances of practice.
- 18 (4) Continuing participation in a board-approved rehabilitation program.
- 19 (5) Abstention from the use of alcohol or drugs.
- 20 (6) Random fluid testing for alcohol or drugs.
- 21 (7) Compliance with laws and regulations governing the practice of pharmacy.

22 6. Code section 4300.1 states:

23 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
24 by operation of law or by order or decision of the board or a court of law, the  
25 placement of a license on a retired status, or the voluntary surrender of a license by a  
26 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
27 investigation of, or action or disciplinary proceeding against, the licensee or to render  
28 a decision suspending or revoking the license.

### **STATUTORY PROVISIONS**

7. Code section 480, subdivision (a)(1), states:

(a) Notwithstanding any other provision of this code, a board may deny a  
license regulated by this code on the grounds that the applicant has been convicted of  
a crime or has been subject to formal discipline only if either of the following  
conditions are met:

- (1) The applicant has been convicted of a crime within the preceding seven  
years from the date of application that is substantially related to the qualifications,

1 functions, or duties of the business or profession for which the application is made,  
2 regardless of whether the applicant was incarcerated for that crime, or the applicant  
3 has been convicted of a crime that is substantially related to the qualifications,  
4 functions, or duties of the business or profession for which the application is made  
and for which the applicant is presently incarcerated or for which the applicant was  
released from incarceration within the preceding seven years from the date of  
application. . .

5 8. Code section 493, subdivision (a), states:

6 Notwithstanding any other law, in a proceeding conducted by a board within  
7 the department pursuant to law to deny an application for a license or to suspend or  
8 revoke a license or otherwise take disciplinary action against a person who holds a  
9 license, upon the ground that the applicant or the licensee has been convicted of a  
crime substantially related to the qualifications, functions, and duties of the licensee  
in question, the record of conviction of the crime shall be conclusive evidence of the  
fact that the conviction occurred, but only of that fact.

10 9. Code section 4301 states in relevant part:

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

13 . . .

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

17 . . .

18 (k) The conviction of more than one misdemeanor or any felony involving the  
19 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,  
or any combination of those substances.

20 (l) The conviction of a crime substantially related to the qualifications,  
21 functions, and duties of a licensee under this chapter. The record of conviction of a  
22 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
23 States Code regulating controlled substances or of a violation of the statutes of this  
24 state regulating controlled substances or dangerous drugs shall be conclusive  
25 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
26 be conclusive evidence only of the fact that the conviction occurred. The board may  
27 inquire into the circumstances surrounding the commission of the crime, in order to  
28 fix the degree of discipline or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw their plea of guilty

1 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing  
the accusation, information, or indictment.

2 . . .

3 10. Code section 4022 states:

4 Dangerous drug or dangerous device means any drug or device unsafe for  
self-use in humans or animals, and includes the following:

5 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing  
6 without prescription, Rx only, or words of similar import.

7 (b) Any device that bears the statement: Caution: federal law restricts this  
8 device to sale by or on the order of a \_\_\_\_\_, Rx only, or words of similar  
import, the blank to be filled in with the designation of the practitioner licensed to use  
9 or order use of the device.

10 (c) Any other drug or device that by federal or state law can be lawfully  
dispensed only on prescription or furnished pursuant to Section 4006.

11 **REGULATORY PROVISIONS**

12 11. California Code of Regulations, title 16, section 1770, states in relevant part:

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

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

19 (1) The nature and gravity of the offense;

20 (2) The number of years elapsed since the date of the offense; and

21 (3) The nature and duties of the practice, profession, or occupation that may be  
performed under the license type sought or held.

22 (c) For purposes of subdivision (a), substantially related crimes, professional  
23 misconduct, or acts shall include, but are not limited to, those which:

24 . . .

25 (5) Involve a conviction for driving under the influence of drugs or alcohol.

26 **BACKGROUND**

27 **February 7, 2020, Arrest and February 9, 2022, Conviction**

28 12. On or about February 7, 2020, at 8:20 p.m., a Fullerton Police Officer conducted a

1 traffic stop on a vehicle that was observed swerving, operating with no headlights on during  
2 darkness, failing to stop before the limit line at a red light and rapidly changing lanes in front of  
3 another vehicle. The officer contacted the driver, later identified as Respondent, who handed the  
4 officer what appeared to be a false driver's license. When questioned after a record check,  
5 Respondent admitted the card was fake. Respondent provided the officer with her real birthdate  
6 which revealed that she was 19 years old. While speaking with Respondent, the officer noticed  
7 she was displaying signs and symptoms of alcohol intoxication. Respondent admitted to  
8 consuming alcohol before driving. Additionally, the officer noticed an empty glass bottle of  
9 Ciroc liquor on the driver's side floorboard of Respondent's vehicle. In response to the officer's  
10 questions, Respondent admitted to consuming two to three beers and a half bottle of Ciroc liquor  
11 between the hours of 5:00 p.m. and approximately 7:30 p.m. Respondent performed poorly on  
12 the field sobriety tests and refused to participate in a preliminary alcohol screening test. When  
13 Respondent refused to submit to a chemical test, a warrant was obtained for a sample of her  
14 blood. At approximately 10:49 p.m. a sample of Respondent's blood was drawn that revealed a  
15 Blood Alcohol Content of 0.208 percent.

16 13. On or about February 9, 2022, in the criminal case entitled *The People of the State of*  
17 *California v. McKenzi Marie Koomas*, Case No., in Orange County Superior Court of California,  
18 Case No. 21NM01077, Respondent was convicted, based on a plea of guilty, of one count of  
19 driving under the influence of alcohol, one count of driving with a .08% or higher blood alcohol  
20 concentration, one count of under 21 and driving with a blood alcohol of 0.01 or greater, and one  
21 count of false representation to a peace officer. (Veh. Code §§ 23152, subds. (a), (b), 23136,  
22 subd. (a); Penal Code § 148.9, subd. (a).) As part of the conviction, Respondent admitted to an  
23 enhancement of driving with a blood alcohol concentration over .20% (Veh. Code, § 23538, subd.  
24 (b)(2).) and an enhancement of refusing a peace officer's request to submit to a chemical test  
25 (Veh. Code, § 23612). The court placed Respondent on probation for five years with various  
26 terms and conditions. These terms included successfully completing an 18-month Multiple  
27 Offender Alcohol Program, paying a base fine in the amount of \$390 plus additional, penalties,  
28 fines, and fees.

1 **March 19, 2020, Arrest and February 9, 2022, Conviction**

2 14. On or about March 19, 2020, at 10:16 p.m., Fullerton Police Officers responded to a  
3 report of a vehicle that collided into a traffic light. When officers arrived at the scene, they  
4 observed a damaged traffic signal and a vehicle with significant front-end damage in a nearby gas  
5 station parking lot. A witness at the scene reported hearing tires screech, then seeing a vehicle  
6 lose control and strike the traffic signal. The witness reported that the vehicle nearly struck a  
7 pedestrian standing on the corner of the intersection. The witness said that he saw a male  
8 passenger exit the vehicle and leave the location, and that a female (identified as Respondent)  
9 attempted to get the male to return to the vehicle. The witness did not see another vehicle  
10 traveling in the intersection at the time of the accident. A second witness was interviewed at the  
11 scene and stated that he was inside the gas station when he heard what sounded like a vehicle  
12 losing control. The second witness saw a vehicle collide into a traffic signal and come to a stop  
13 in the gas station parking lot. The second witness identified Respondent as the driver. When an  
14 officer contacted Respondent, she was sitting in the driver seat of the vehicle with the door ajar.  
15 Respondent initially denied that she was driving and claimed that her friend was driving, but after  
16 she was told that there were witnesses to the collision, she admitted she was the driver.  
17 Respondent said that she was traveling eastbound and started to make a left turn when she saw  
18 another vehicle travelling through the intersection. She struck the traffic signal in her attempt to  
19 avoid the other vehicle. Respondent reported that she had a passenger in the vehicle at the time of  
20 the collision, but he left before police arrived. Officers were unable to locate the passenger.  
21 While speaking with Respondent, the reporting officer detected the odor of an alcoholic beverage  
22 emitting from her person and noticed she was displaying signs and symptoms of alcohol  
23 intoxication. A DUI investigation was initiated and during questioning, Respondent admitted to  
24 consuming four beers between the hours of 7:30 p.m. and 9:30 p.m. but refused to participate in  
25 field sobriety tests and asked for a lawyer. Respondent agreed to submit to a preliminary alcohol  
26 screening test and provided two breath samples beginning at 11:04 p.m. which Blood Alcohol  
27 Content readings of 0.181 percent and 0.173 percent. During an inventory search a bottle of  
28 Ciroc vodka was found in the back seat of Respondent's vehicle. The bottle was approximately a

1 quarter full, and Respondent admitted the vodka bottle belonged to her. Respondent was placed  
2 under arrest for driving under the influence of alcohol. Respondent agreed to provide two more  
3 breath samples that showed Blood Alcohol Content readings of 0.149 percent and 0.156 percent.

4 15. On or about February 9, 2022, in the criminal case entitled *The People of the State of*  
5 *California v. McKenzi Marie Koomas*, Case No., in Orange County Superior Court of California,  
6 Case No. 20NM05192, Respondent entered a plea of guilty to one count of driving under the  
7 influence of alcohol, one count of driving with a .08% or higher blood alcohol concentration, one  
8 count of possession of alcoholic beverage by a minor, and one count of driving with blood  
9 alcohol .05% or more and under the age of 21 years. (Veh. Code, §§ 23152, subs. (a), (b),  
10 25662, subd. (a), 23140, subd. (a).) As part of the conviction, Respondent admitted to an  
11 enhancement of under 21 – driving privilege suspended (Veh. Code, § 13202.5, subd. (a).) and an  
12 enhancement of BAC of 0.15% or above. (Veh. Code, § 23578.) The court placed Respondent  
13 on probation for three years with various terms and conditions. These terms included  
14 successfully completing an 18-month Multiple Offender Alcohol Program, paying a base fine in  
15 the amount of \$390 plus additional, penalties, fines, and fees.

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**  
17 **(Unprofessional Conduct – Dangerous Use of Alcohol)**

18 16. Respondent’s application for a Pharmacy Technician License is subject to denial in  
19 that Respondent engaged in unprofessional conduct by using alcohol in a dangerous and injurious  
20 manner. (Bus. & Prof. Code, §§ 480, subd. (a)(3), 4300, subd. (c), 4301, subd. (h).) The  
21 circumstances are more fully explained in paragraphs 12 through 15, above.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**  
23 **(Unprofessional Conduct - Substantially Related Conviction)**

24 17. Respondent’s application for a Pharmacy Technician License is subject to denial in  
25 that Respondent was convicted of driving under the influence of alcohol, which is a crime  
26 substantially related to the qualifications, functions, and duties of a licensee. (Bus. & Prof. Code,  
27 §§ 480, subd. (a)(3), 4301, subd. (l); Cal. Code. Regs., tit. 16 § 1770, subs. (a) and (c)(5).) The  
28 circumstances are more fully explained in paragraphs 12 through 15, above.

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**  
2 **(Unprofessional Conduct – Multiple Alcohol-Related Convictions)**

3 18. Respondent’s application for a Pharmacy Technician License is subject to denial in  
4 that Respondent has multiple convictions for driving under the influence of alcohol. (Bus. &  
5 Prof. Code, §§ 480, subd. (a)(3), 4300, subd. (c), 4301, subd. (k).) The circumstances are more  
6 fully explained in paragraphs 12 through 15, above.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
9 Statement of Issues, and that following the hearing, the Board of Pharmacy issue a decision:

- 10 1. Denying the application of McKenzi Marie Koomas for a Pharmacy Technician  
11 License;
- 12 2. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: 1/13/2025

Sodergren,  
Anne@DCA

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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
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State of California  
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