

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 MEGAN M. BRIGHT
Deputy Attorney General
4 State Bar No. 347794
1300 I Street, Suite 125
5 Sacramento, CA 95814
Telephone: (916) 210-7893
6 Facsimile: (916) 327-8643
E-mail: Megan.Bright@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:

12 **KIERAN TIMLIN**

13 **Pharmacy Technician License Applicant**

14 Respondent.

Case No. 8036

15 **STATEMENT OF ISSUES**

16 **PARTIES**

17
18 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer
20 Affairs.

21 2. On or about September 4, 2024, the Board received an application for a pharmacy
22 technician license from Kieran Timlin (Respondent). On or about August 16, 2024, Respondent
23 certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application. The Board denied the application on May 1, 2025.

25 **JURISDICTION**

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

1 4. Section 4300 of the Code states, in pertinent part:

2 (c) The board may refuse a license to any applicant guilty of unprofessional
3 conduct.

4 ...

5 (e) The proceedings under this article shall be conducted in accordance with
6 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
7 Government Code, and the board shall have all the powers granted therein. The
8 action shall be final, except that the propriety of the action is subject to review by the
9 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

10 5. Code section 4300.1 states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
12 operation of law or by order or decision of the board or a court of law, the placement of a
13 license on a retired status, or the voluntary surrender of a license by a licensee shall not
14 deprive the board of jurisdiction to commence or proceed with any investigation of, or
15 action or disciplinary proceeding against, the licensee or to render a decision suspending or
16 revoking the license.

17 6. Section 4307 states, in pertinent part:

18 (a) Any person who has been denied a license or whose license has been
19 revoked or is under suspension, or who has failed to renew his or her license while it
20 was under suspension, or who has been a manager, administrator, owner, member,
21 officer, director, associate, partner, or any other person with management or control
22 of any partnership, corporation, trust, firm, or association whose application for a
23 license has been denied or revoked, is under suspension or has been placed on
24 probation, and while acting as the manager, administrator, owner, member, officer,
25 director, associate, partner, or any other person with management or control had
26 knowledge of or knowingly participated in any conduct for which the license was
27 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
28 as a manager, administrator, owner, member, officer, director, associate, partner, or in
29 any other position with management or control of a licensee as follows:

30 (1) Where a probationary license is issued or where an existing license is
31 placed on probation, this prohibition shall remain in effect for a period not to exceed
32 five years.

33 (2) Where the license is denied or revoked, the prohibition shall continue
34 until the license is issued or reinstated.

35 **STATUTORY PROVISIONS**

36 7. Section 4301 of the Code states:

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

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be 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.

...

(I) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to 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 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

8. Section 480 of the Code states, in pertinent part:

(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, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, 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....

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of a Crime)

9. Respondent's application is subject to denial under Code sections 480, subdivision (a)(1), and 4301, subdivision (I), in that on or about May 30, 2024, in a criminal proceeding

entitled *People v. Kieran Timlin*, Fresno County Superior Court, Case Number M24904487, Respondent was convicted on his plea of nolo contendere to violating Vehicle Code section 23152, subdivision (b), driving with a 0.08% or higher blood alcohol level, a misdemeanor. Respondent admitted to an enhancement under Vehicle Code section 23578, having a 0.15% or higher blood alcohol level. Respondent was sentenced as follows: complete three years probation, engage in an alcohol monitoring program, continue in Fresno New Connections, enroll and complete an 18-month alcohol program, and pay fines and fees. The circumstances are as follows:

a. On or about January 15, 2024 at approximately 8:57 p.m., an officer with the Fresno Police Department was stopped at the intersection of E Belmont Avenue and N Palm Avenue facing eastbound when he observed a vehicle traveling at a high rate of speed northbound on N Palm Avenue. The vehicle was also missing the front driver side tire and driving on the rim. The officer initiated a traffic stop and contacted the driver who was identified as Respondent. The officer observed that Respondent had red, bloodshot, watery eyes, slurred speech, delayed reaction, and a strong odor of alcohol. Another officer interviewed Respondent and conducted field sobriety tests. Respondent stated that he had drunk two beers. Respondent refused to complete the field sobriety tests. Respondent agreed to a Preliminary Alcohol Screening Test which was conducted at approximately 9:52 p.m. and returned a result of 0.271%.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Dangerous Use of Alcohol)

10. Respondent's application is subject to denial under Code section 4301, subdivision (h), for administering to himself alcohol to the extent or in a manner as to be dangerous or injurious to himself or the public. The circumstances are more fully set forth above in paragraph 9.

OTHER MATTERS

11. Under section 4307, if Respondent Kieran Timlin's application is granted, and he satisfies the prerequisites for licensure, and ultimately is placed on probation, then Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer, director,

1 associate, or partner of a licensee for five years and if Respondent's application is denied, then
2 Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer,
3 director, associate, or partner of a licensee until a future application for licensure is granted.

4 **PRAYER**

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

- 7 1. Denying the application of Kieran Timlin for a pharmacy technician license;
8 2. Prohibiting Kieran Timlin from serving as a manager, administrator, owner, member,
9 officer, director, associate, or partner of a licensee for five years if his application for licensure is
10 granted and he satisfies the prerequisites for licensure, and he is placed on probation or until a
11 future application is granted if this application is denied;
12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 8/7/2025

Sodergren, Anne@DCA
Digitally signed by Sodergren, Anne@DCA
Date: 2025.08.07 18:22:38 -07'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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