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

12 In the Matter of the Statement of Issues
Against:

13 **JENNIE MARIE MCNULTY**

14 **Pharmacy Technician License Applicant**

15 Respondent.
16

Case No. 8162

17 **STATEMENT OF ISSUES**

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
Affairs.

21 2. On or about June 9, 2025, the Board received an application for a Pharmacy
22 Technician License from Jennie Marie McNulty (Respondent). On or about June 5, 2025,
23 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application. The Board denied the application on November 17, 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.

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2 (e) This section shall become operative on July 1, 2020.

3 7. Code section 4300, subdivision (c), states:

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

10 (1) Medical or psychiatric evaluation.

11 (2) Continuing medical or psychiatric treatment.

12 (3) Restriction of type or circumstances of practice.

13 (4) Continuing participation in a board-approved rehabilitation program.

14 (5) Abstention from the use of alcohol or drugs.

15 (6) Random fluid testing for alcohol or drugs.

16 (7) Compliance with laws and regulations governing the practice of pharmacy.

17 8. Code section 4301 states:

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

21 . . .

22 (j) The violation of any of the statutes of this state, of any other state, or of the
23 United States regulating controlled substances and dangerous drugs.

24 . . .

25 (l) The conviction of a crime substantially related to the qualifications,
26 functions, and duties of a licensee under this chapter. The record of conviction of a
27 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
28 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.

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9. Code section 4307 states, in pertinent part, the following:

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

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

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

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1770, states:

(a) For the purpose of denial, suspension, or revocation of a personal or facility 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 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 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 health, safety, or welfare.

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

(1) The nature and gravity of the offense;

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

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

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

2 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or
3 conspire to violate, any provision of law of this state, or any other jurisdiction,
governing the practice of pharmacy.

4 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
5 conspire to violate, any provision of Chapter 13 (commencing with Section
6 801) of Title 21 of the United States Code regulating controlled substances or
any law of this state, or any other jurisdiction, relating to controlled substances
or dangerous drugs.

7 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or
8 conspire to violate, any provision of law of this state, or any other jurisdiction,
relating to government provided or government supported healthcare.

9 (4) Involve dishonesty, fraud, deceit, or corruption related to money,
10 items, documents, or personal information.

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

12 **FIRST CAUSE FOR DENIAL OF APPLICATION**

13 **(Conviction of Substantially Related Crime)**

14 11. Respondent's application for a pharmacy technician license is subject to denial under
15 Code sections 480, subdivision (a)(1), and 4300, subdivision (c), in conjunction with Code
16 section 4301, subdivision (l), in that Respondent was convicted of a crime that is substantially
17 related to the qualifications, functions, and duties of a pharmacy technician. Specifically, on or
18 about March 7, 2019, in a criminal proceeding entitled *The People of the State of California v.*
19 *Jennie Marie McNulty*, Orange County Superior Court case number 18CF1365, Respondent was
20 convicted on her plea of guilty to violating Health and Safety Code section 11350 (possession of
21 heroin) and Health and Safety Code section 11377 (possession of methamphetamine), both
22 misdemeanors. Respondent was sentenced to informal probation for a period of three years.

23 12. The circumstances that led to the above-referenced conviction are as follows. On or
24 about May 7, 2018, Santa Ana Police Department officers were dispatched to a residence in
25 reference to a report of three individuals smoking and possibly selling narcotics out of their
26 garage. Officers performed a records search which revealed that Respondent was on informal

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1 probation as the result of a prior conviction¹, and subject to search and seizure. The officers
2 conducted a probation check of the residence and located several bindles of methamphetamine
3 and heroin. The officers also located a black digital scale with heroin residue, and large
4 quantities of cash.

5 **SECOND CAUSE FOR DENIAL OF APPLICATION**

6 **(Violation of Statutes Regulating Controlled Substances)**

7 13. Respondent's application for a pharmacy technician license is subject to denial under
8 Code section 4300, subdivision (c), in conjunction with Code section 4301, subdivision (j), in that
9 Respondent violated statutes of this state regulating controlled substances and dangerous drugs, as
10 more fully set forth above.

11 **OTHER MATTERS**

12 14. Pursuant to Code section 4307, if Respondent is denied a license, she shall be
13 prohibited from serving as a manager, administrator, owner, member, officer, director,
14 associate, partner, or in any other position with management or control of a licensee for five years
15 if it is placed on probation or until it is issued.

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26 ¹ On or about September 26, 2016, in a criminal proceeding entitled *The People of the*
27 *State of California v. Jennie Marie McNulty*, Orange County Superior Court case number
28 16CM03158, Respondent was convicted of violating Penal Code section 135 (destroy evidence)
and Penal Code section 148, subdivision (a)(1) (obstruct police officer). Respondent was
sentenced to 3 years of informal probation.

PRAYER

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

1. Denying the application of Respondent Jennie Marie McNulty for a Pharmacy Technician License;

2. Prohibiting Respondent Jennie Marie McNulty from serving as a manager, administrator, owner, member, director, associate, or partner of a licensee for five years if Respondent is placed on probation or until a license is issued if denied; and,

2. Taking such other and further action as deemed necessary and proper.

DATED: 5/30/2026

Sodergren,

Anne@DCA

Digitally signed by
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Date: 2026.05.30
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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