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

13 In the Matter of the Statement of Issues  
Against:

14 **MATTHEW WILLIAM DULIN**  
15 **Pharmacist Examination and License**  
16 **Applicant**

17 Respondent.

Case No. 7817

**STATEMENT OF ISSUES**

18  
19  
20  
21 **PARTIES**

22 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
23 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
24 Affairs.

25 2. On or about July 25, 2023, the Board received an application for a Pharmacist  
26 Examination and License from Respondent. On or about July 19, 2023, Respondent certified  
27 under penalty of perjury to the truthfulness of all statements, answers, and representations in the  
28 application. The Board denied the application on April 4, 2024.

**JURISDICTION**

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

4. Section 4300.1 of the Code states:

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

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

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

6. Code section 4307 states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or has been a manager, administrator, owner, member,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 manger, 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 manger, 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.

(b) Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such a capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability

1 of this section, and where the person has been given notice of the proceeding as  
2 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of  
3 the Government Code. The authority to proceed as provided by this subdivision shall  
4 be in addition to the board's authority to proceed under Section 4339 or any other  
5 provision of law.

### 6 STATUTORY PROVISIONS

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

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

12 (1) The applicant has been convicted of a crime within the preceding seven  
13 years from the date of application that is substantially related to the qualifications,  
14 functions, or duties of the business or profession for which the application is made,  
15 regardless of whether the applicant was incarcerated for that crime, or the applicant  
16 has been convicted of a crime that is substantially related to the qualifications,  
17 functions, or duties of the business or profession for which the application is made  
18 and for which the applicant is presently incarcerated or for which the applicant was  
19 released from incarceration within the preceding seven years from the date of  
20 application. . . .

21 . . . .

22 (f) A board shall follow the following procedures in requesting or acting on an  
23 applicant's criminal history information:

24 (1) A board issuing a license pursuant to Chapter 3 (commencing with Section  
25 5500), Chapter 3.5 (commencing with Section (5615), Chapter 10 (commencing with  
26 Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3  
27 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with  
28 Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may  
require applicants for licensure under those chapters to disclose criminal conviction  
history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant  
for licensure to disclose any information or documentation regarding the applicant's  
criminal history. However, a board may request mitigating information from an  
applicant regarding the applicant's criminal history for purposes of determining  
substantial relation or demonstrating evidence of rehabilitation, provided that the  
applicant is informed that disclosure is voluntary and that the applicant's decision not  
to disclose any information shall not be a factor in a board's decision to grant or deny  
an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part  
on the applicant's conviction history, the board shall notify the applicant in writing of  
all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the  
decision or to request reconsideration.

1 (C) That the applicant has the right to appeal the board's decision.

2 (D) The processes for the applicant to request a copy of the applicant's  
3 complete conviction history and question the accuracy or completeness of the record  
4 pursuant to Sections 11122 to 11127 of the Penal Code.

5 8. Section 4301 of the Code states, in pertinent part:

6 The board shall take action against any holder of a license who is guilty of  
7 unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to,  
8 any of the following:

9 . . . .

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

12 . . . .

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

. . . .

22 **FIRST CAUSE FOR DENIAL OF APPLICATION**

23 **(Conviction of a Crime)**

24 9. Respondent's application for a Pharmacist Examination and Licensure is subject to  
25 denial under Code sections 480, subdivision (a)(1), 4300, subdivision (c) and 4301, subdivision  
26 (l), in that Respondent was convicted of a crime substantially related to the qualifications,  
27 functions, and duties of a pharmacist, as follows: On or about October 8, 2020, in the criminal  
28 proceeding entitled *United States of America v. Matthew Dulin* (United States District Court,

1 Southern District of Georgia, Savannah Division, Case No. 4:19CR00171-1), the Court convicted  
2 Respondent on his guilty plea to violating 21 U.S.C. § 846, 21 U.S.C. and § 841, subdivision  
3 (a)(1) and (b)(1)(C), (Conspiracy to possess with intent to distribute, and to distribute, marijuana),  
4 a felony, and 21 U.S.C. § 856, subdivisions (a)(1) and (b), (Maintaining a drug-involved  
5 premises), a felony. Respondent was ordered to serve twenty months in prison, participate in a  
6 substance abuse treatment program, and submit to substance abuse testing. Respondent was also  
7 ordered to forfeit a cash sum and two vehicles to the United States. On or about June 8, 2023,  
8 Respondent's court case was transferred to the United States District Court, Eastern District of  
9 California (Case No. 2:23-CR-00143-TLN) for supervised release, which will run from February  
10 10, 2023, through February 9, 2026. The circumstances of the crime are as follows:

11 10. In and between November 2017 and August 2019, Respondent and his accomplices  
12 possessed and distributed 50 kilograms or more of marijuana with the intent to distribute. They  
13 used and maintained a location known as "Original Nancy's Seafood," a restaurant in Savannah,  
14 Georgia, for the purpose of distributing the marijuana. The marijuana was obtained in California,  
15 a state where marijuana is legal, and shipped through the U.S. Postal Service to Georgia, a state  
16 where marijuana is illegal.

17 11. On or about August 19, 2019, Respondent's home in Savannah was searched by  
18 members of the Chatham Savannah Counter Narcotic Team (CNT) (in conjunction with the Drug  
19 Enforcement Administration, or DEA). CNT agents found approximately 8 grams of  
20 methamphetamine, several grams of cocaine and marijuana, and "Brass Knuckle" brand THC  
21 disposable vape pens with THC concentrations up to 87 percent. CNT agents also found two  
22 semi-automatic firearms, two shotguns, several thousand dollars in United States currency, bank  
23 documentation, electronic devices including laptops, desktops, and ledgers, and empty mail parcel  
24 boxes, with the most recent package dated August 16, 2019. Respondent's Apple iPhone was  
25 also seized and it showed information related to drug-related Venmo transactions.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

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

3 12. Respondent’s application for a Registered Pharmacist License is subject to denial  
4 under Code sections 4300, subdivision (c), and 4301, subdivision (j), in that Respondent violated  
5 the statutes of the United States regulating controlled substances and dangerous drugs, as more  
6 particularly set forth in paragraphs 9, 10, and 11 above, and incorporated herein by reference.

7 **OTHER MATTERS**

8 13. Pursuant to Code section 4307, if Respondent, Matthew William Dulin, is denied a  
9 license or if the application is granted but discipline is imposed, then Respondent shall be  
10 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
11 or partner of a licensee until such time as he is granted a pharmacist license, or for five years if he  
12 is granted a pharmacist license, which is placed on probation.

13 **PRAYER**

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

- 16 1. Denying the application of Matthew William Dulin for a Pharmacist License;  
17 2. Prohibiting Matthew William Dulin from serving as a manager, administrator, owner,  
18 member, officer, director, associate, or partner of a licensee until such time as he is granted a  
19 pharmacist license in the future, or for five years if he is granted a pharmacist license and that  
20 license is granted on probation; and  
21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 5/28/2024

23 **Sodergren,** Digitally signed by  
**Anne@DCA** Sodergren, Anne@DCA  
Date: 2024.05.28 20:42:15  
-07'00'

24 ANNE SODERGREN  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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