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**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 7805

**KIRSTIN MARIE CABRAL**  
3420 E Fairmont Avenue  
Fresno, CA 93726

**DEFAULT DECISION AND ORDER**

**Pharmacy Technician License No. TCH  
174988**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about August 16, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7805 against Kirstin Marie Cabral (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 24, 2019, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 174988 to Respondent. The Pharmacy Technician License expired on October 1, 2023, and has not been renewed.

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1           3.     On or about August 26, 2024, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7805, Statement to Respondent, Notice of Defense, Request  
3 for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is 420 E Fairmont Avenue, Fresno, CA 93726.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

9           5.     Government Code section 11506(c) states, in pertinent part:

10                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
14 discretion may nevertheless grant a hearing.

15           6.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
17 waived her right to a hearing on the merits of Accusation No. 7805.

18           7.     California Government Code section 11520(a) states, in pertinent part:

19                   (a) If the respondent either fails to file a notice of defense . . . or to appear at  
20 the hearing, the agency may take action based upon the respondent's express  
21 admissions or upon other evidence and affidavits may be used as evidence without  
22 any notice to respondent . . . .

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 finds that the charges and allegations in Accusation No. 7805, are separately and severally, found  
27 to be true and correct by clear and convincing evidence.

28           9.     The Board finds that the actual costs for Investigation and Enforcement are \$2,757.50  
as of October 25, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Kirstin Marie Cabral has  
3 subjected her Pharmacy Technician License No. TCH 174988 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
6 License based upon the following violations alleged in the Accusation which are supported by the  
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Business and Professions Code sections 4301, subdivision (l) and 490 – Conviction of  
9 Substantially Related Crime; and

10 b. Business and Professions Code section 4301, subdivision (h) – Use of Alcoholic  
11 Beverages in Manner Dangerous to Public.

12 **ORDER**

13 IT IS SO ORDERED that Pharmacy Technician License No. TCH 174988, issued to  
14 Respondent Kirstin Marie Cabral, is revoked.

15 IT IS FURTHER ORDERED that Respondent Kirstin Marie Cabral is prohibited from  
16 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
17 licensee until Respondent's Pharmacy Technician License No. TCH 174988 is reinstated.

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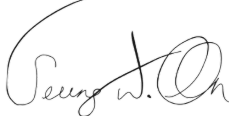
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1 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
2 written motion requesting that the Decision be vacated and stating the grounds relied on within  
3 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
4 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

5 This Decision shall become effective at 5:00 p.m. on February 12, 2025.

6 It is so ORDERED on January 13, 2025.

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9 Seung W. Oh, Pharm.D.  
10 Board President  
11 FOR THE BOARD OF PHARMACY  
12 DEPARTMENT OF CONSUMER AFFAIRS

11 95600290.docx  
12 DOJ Matter ID:FR2024301543

13 Attachment:  
14 Exhibit A: Accusation

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# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 STEVE J. PYUN  
Deputy Attorney General  
4 State Bar No. 253563  
2550 Mariposa Mall, Room 5090  
5 Fresno, CA 93721  
Telephone: (559) 705-2336  
6 Facsimile: (559) 445-5106  
*Attorneys for Complainant*  
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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 Accusation Against:

Case No. 7805

13 **KIRSTIN MARIE CABRAL**  
3420 E Fairmont Avenue  
14 Fresno, CA 93726

**ACCUSATION**

15 **Pharmacy Technician Registration**  
16 **No. TCH 174988**

Respondent.

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19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about October 24, 2019, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician License Number TCH 174988 to Kirstin Marie Cabral (Respondent). The Pharmacy  
24 Technician License expired on October 1, 2023, and has not been renewed.

25 **JURISDICTION**

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



unprofessional conduct or whose license has been issued by mistake. Unprofessional 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.

...

(l) 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 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.

9. Code section 4307, subdivision (a), states:

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, or partner of any partnership, corporation, 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, or partner had knowledge 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, or partner 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.

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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, (Regulations) section 1770, states in  
3 pertinent part:

4 (a) For the purpose of denial, suspension, or revocation of a personal or facility  
5 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
6 Professions Code, a crime or act shall be considered substantially related to the  
7 qualifications, functions or duties of a licensee or registrant if to a substantial degree  
8 it evidences present or potential unfitness of a licensee or registrant to perform the  
9 functions authorized by his license or registration in a manner consistent with the  
10 public health, safety, or welfare.

11 ...

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

14 ...

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

16 **COST RECOVERY**

17 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

21 **FACTUAL ALLEGATIONS**

22 12. On or about November 8, 2023, after pleading nolo contendere, Respondent was  
23 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)  
24 [driving under the influence of alcohol] with an enhancement under Vehicle Code section 23578  
25 [blood alcohol content (BAC) greater than 0.15%] in the criminal proceeding entitled *The People*  
26 *of the State of California v. Kirstin Marie Cabral* (Super. Ct. Madera County, 2023, No. CCR  
27 074679). The court ordered Respondent to serve seven days in jail and placed Respondent on  
28 probation for three years. The court also ordered Respondent to pay a fine of \$1,873.00 and  
complete a First Offender DUI program.

13 13. The circumstances underlying the conviction are that on or about April 17, 2022, in  
14 Millerton Lake State Recreation Area in Madera County, at approximately 10:20 p.m., a

1 California State Park (CSP) Peace Officer pulled over a vehicle that had crossed over into the  
2 officer's traffic lane, causing the officer to drive off the roadway to avoid a collision. The officer  
3 observed that the driver, later identified as Respondent, showed several objective signs of alcohol  
4 intoxication including bloodshot and watery eyes, dilated pupils, slurred speech, and the odor of  
5 alcohol. Respondent failed field sobriety tests. Respondent submitted to a chemical breath test at  
6 11:00 p.m., which revealed a BAC of 0.26%, and a second chemical breath test at 11:04 p.m.,  
7 which revealed a BAC of 0.25%. Notably, the officer was forced to conduct the tests multiple  
8 times because Respondent would not close her lips tightly around the straw, would breathe in  
9 instead of blowing out, or would not blow out according to the officer's instructions.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of Substantially Related Crimes)**

12 14. Respondent is subject to disciplinary action under Code sections 4301, subdivision  
13 (I), and 490, in that Respondent was convicted of a crime substantially related to the  
14 qualifications, functions, or duties of a licensed Pharmacy Technician as defined by Regulations  
15 section 1770, subdivision (c)(5). Complainant refers to, and by this reference incorporates, the  
16 allegations set forth above in paragraphs 12 through 13 as though set forth fully herein.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Use of Alcoholic Beverages in Manner Dangerous to Public)**

19 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
20 in that Respondent used alcoholic beverages in a manner as to be dangerous or injurious to the  
21 public. Complainant refers to, and by this reference incorporates, the allegations set forth above  
22 in paragraphs 12 through 13 as though set forth fully herein.

23 **OTHER MATTERS**

24 16. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician  
25 Registration Number TCH 174988 issued to Kirstin Marie Cabral, Kirstin Marie Cabral shall be  
26 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
27 or partner of a licensee for five years if Pharmacy Technician Registration Number TCH 174988

28 ///

1 is placed on probation, or until Pharmacy Technician Registration Number TCH 174988 is  
2 reinstated if it is revoked.

3 **PRAYER**

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

6 1. Revoking Pharmacy Technician Registration Number TCH 174988, issued to Kirstin  
7 Marie Cabral;

8 2. Prohibiting Kirstin Marie Cabral from serving as a manager, administrator, owner,  
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacist  
10 Technician Registration Number TCH 174988 is placed on probation, or until it is reinstated if it  
11 is revoked;

12 3. Ordering Kirstin Marie Cabral to pay the Board of Pharmacy the reasonable costs of  
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
14 125.3; and,

15 4. Taking such other and further action as deemed necessary and proper.

16  
17  
18 DATED: 08/16/2024

Sodergren,  
Anne@DCA  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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