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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. 7856

**BRITTANY AMBER ESTRADA**  
2017 N. Sunny Lane  
Reedley, CA 93654

**DEFAULT DECISION AND ORDER**

**Pharmacy Technician License No. TCH  
161692**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about December 1, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7856 against Brittany Amber Estrada (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 3, 2017, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 161692 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7856, expired on October 31, 2024, and has not been renewed. This lapse in licensure, however, pursuant to

1 Business and Professions Code section 4300.1, does not deprive the Board of its authority to  
2 institute or continue this disciplinary proceeding.

3 3. On or about December 12, 2024, Respondent was served by Certified and First Class  
4 Mail copies of the Accusation No. 7856, Statement to Respondent, Notice of Defense, Request  
5 for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
8 record was and is 2017 N. Sunny Lane, Reedley, CA 93654.

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

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

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

17 6. The Board takes official notice of its records and the fact that Respondent failed to  
18 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
19 waived her right to a hearing on the merits of Accusation No. 7856.

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

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 finds that the charges and allegations in Accusation No. 7856, are separately and severally, found  
to be true and correct by clear and convincing evidence.

9. The Board finds that the actual costs for Investigation and Enforcement are \$2,374.75  
as of January 17, 2025.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Brittany Amber Estrada has  
3 subjected her Pharmacy Technician License No. TCH 161692 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 Crimes; and

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

12 **ORDER**

13 IT IS SO ORDERED that Pharmacy Technician License No. TCH 161692, issued to  
14 Respondent Brittany Amber Estrada, is revoked.

15 IT IS FURTHER ORDERED that Respondent Brittany Amber Estrada 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 161692 is reinstated.

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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 April 2, 2025.

6 It is so ORDERED on March 3, 2025.

7 FOR THE BOARD OF PHARMACY  
8 DEPARTMENT OF CONSUMER AFFAIRS  
9 STATE OF CALIFORNIA

10 

11 By

12 \_\_\_\_\_  
13 Seung W. Oh, Pharm.D.  
14 Board President

15  
16 Default Decision and Order - LIC.docx  
DOJ Matter ID:SA2024302496

17 Attachment:  
18 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  
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E-mail: Steve.Pyun@doj.ca.gov  
7 *Attorneys for Complainant*

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. 7856

13 **BRITTANY AMBER ESTRADA**  
2017 N. Sunny Lane  
14 Reedley, CA 93654

**ACCUSATION**

15 **Pharmacy Technician License**  
16 **No. TCH 161692**

Respondent.

17  
18  
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 July 3, 2017, Board of Pharmacy issued Pharmacy Technician License  
23 Number TCH 161692 to Brittany Amber Estrada (Respondent). The Pharmacy Technician  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on October 31, 2024, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Code sections 4000 *et seq.*] and the Uniform Controlled Substances Act  
7 [Health & Safety Code sections 11000 *et seq.*].

8 5. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be  
9 suspended or revoked.”

10 6. Section 4300.1 of the Code 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  
action or disciplinary proceeding against, the licensee or to render a decision suspending or  
revoking the license.

15 **STATUTORY PROVISIONS**

16 7. Section 490 of the Code states:

17 (a) In addition to any other action that a board is permitted to take against a  
18 licensee, a board may suspend or revoke a license on the ground that the licensee has  
19 been convicted of a crime, if the crime is substantially related to the qualifications,  
functions, or duties of the business or profession for which the license was issued.

20 (b) Notwithstanding any other provision of law, a board may exercise any  
21 authority to discipline a licensee for conviction of a crime that is independent of the  
22 authority granted under subdivision (a) only if the crime is substantially related to the  
qualifications, functions, or duties of the business or profession for which the  
licensee’s license was issued.

23 (c) A conviction within the meaning of this section means a plea or verdict of  
24 guilty or a conviction following a plea of *nolo contendere*. An action that a board is  
25 permitted to take following the establishment of a conviction may be taken 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.

26 (d) The Legislature hereby finds and declares that the application of this section  
27 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*  
28 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant  
number of statutes and regulations in question, resulting in potential harm to the  
consumers of California from licensees who have been convicted of crimes.

1 Therefore, the Legislature finds and declares that this section establishes an  
2 independent basis for a board to impose discipline upon a licensee, and that the  
3 amendments to this section made by Chapter 33 of the Statutes of 2008 do not  
4 constitute a change to, but rather are declaratory of, existing law.

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

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

10 . . .

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

16 . . .

17 (l) The conviction of a crime substantially related to the qualifications,  
18 functions, and duties of a licensee under this chapter. The record of conviction of a  
19 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
20 States Code regulating controlled substances or of a violation of the statutes of this  
21 state regulating controlled substances or dangerous drugs shall be conclusive  
22 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
23 be conclusive evidence only of the fact that the conviction occurred. The board may  
24 inquire into the circumstances surrounding the commission of the crime, in order to  
25 fix the degree of discipline or, in the case of a conviction not involving controlled  
26 substances or dangerous drugs, to determine if the conviction is of an offense  
27 substantially related to the qualifications, functions, and duties of a licensee under this  
28 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

1 on probation, this prohibition shall remain in effect for a period not to exceed five  
2 years.

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

### 5 **REGULATORY PROVISIONS**

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

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

15 ...

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

18 ...

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

### 20 **COST RECOVERY**

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

### 25 **FACTUAL ALLEGATIONS**

26 12. On or about August 3, 2023, after pleading nolo contendere, Respondent was  
27 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)  
28 [driving under the influence of alcohol] with an enhancement under Vehicle Code section 23578  
[blood alcohol content (BAC) greater than 0.15%] in the criminal proceeding entitled *The People  
of the State of California v. Brittany Amber Estrada* (Super. Ct. Fresno County Case Number  
M22907907). The court ordered Respondent to serve eight days in county jail and placed

1 Respondent on probation for three years. The court also ordered Respondent to complete 56  
2 hours of community service, to complete a 3-month DUI program, and to pay fines and fees  
3 totaling \$1,891.00.

4 13. The circumstances underlying the conviction are that on or about May 28, 2022, an  
5 officer from the Reedley Police Department was called to a Jack in the Box restaurant following a  
6 report of two females who were refusing to leave. The officer arrived at the scene at  
7 approximately 9:40 p.m. and observed a female, later identified as Respondent, drive her vehicle  
8 up onto a curb. Respondent then crawled out of the driver's seat and climbed into the back seat  
9 of the vehicle. The officer approached the vehicle and observed that Respondent had bloodshot,  
10 watery eyes and slurred speech. The officer also observed two open alcoholic beverages inside  
11 the vehicle. Respondent failed field sobriety tests. A breathalyzer test was commenced, and the  
12 first result revealed a Blood Alcohol Content (BAC) of 0.21%. However, Respondent failed to  
13 properly blow into the breathalyzer test for a second result. Respondent then refused to further  
14 submit to a breathalyzer or blood test. Respondent was taken to jail, and a warrant was obtained  
15 for a blood test. Respondent was taken to a hospital for the blood test, at which time she again  
16 refused to submit to the blood draw, delaying the test. Eventually Respondent submitted to the  
17 blood test, and her blood was drawn at 12:29 a.m. on May 29, 2022. The blood test revealed a  
18 BAC of 0.17%.

19 **FIRST CAUSE FOR DISCIPLINE**

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

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

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1 **SECOND CAUSE FOR DISCIPLINE**

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

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

7 **OTHER MATTERS**

8 16. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician  
9 License Number TCH 161692 issued to Brittany Amber Estrada, Brittany Amber Estrada shall be  
10 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
11 or partner of a licensee for five years if Pharmacy Technician License Number TCH 161692 is  
12 placed on probation, or until Pharmacy Technician License Number TCH 161692 is reinstated if  
13 it is revoked.

14 **PRAYER**

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

17 1. Revoking Pharmacy Technician License Number TCH 161692, issued to Brittany  
18 Amber Estrada;

19 2. Prohibiting Brittany Amber Estrada from serving as a manager, administrator, owner,  
20 member, officer, director, associate, or partner of a licensee for five years if Pharmacist  
21 Technician License Number TCH 161692 is placed on probation, or until it is reinstated if it is  
22 revoked;

23 3. Ordering Brittany Amber Estrada to pay the Board of Pharmacy the reasonable costs  
24 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
25 section 125.3; and,

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

DATED: 12/1/2024

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

Digitally signed by Sodergren,  
Anne@DCA  
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