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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 MARTIN WOENSDREGT
1909 East Saltsage Drive
13 Phoenix, AZ 85048

14 Licentiate Certificate No. RPH 41696

15 Respondent.

Case No. 2411

OAH No.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

16
17 FINDINGS OF FACT

18 1. On or about August 23, 2001, Complainant Patricia F. Harris, in her
19 official capacity as Executive Officer of the Board of Pharmacy, Department of Consumer
20 Affairs, State of California, filed Accusation No. 2411 against Martin Woensdregt (Respondent)
21 before the Board of Pharmacy (Board).

22 2. On or about March 31, 1988, the Board of Pharmacy issued Pharmacy
23 License Certificate No. RPH 41696 to Respondent. The license was in full force and effect at all
24 times relevant to the charges brought herein and will expire on May 31, 2003, unless renewed.

25 3. On or about August 30, 2001, Carmen Marin, an employee of the
26 Department of Justice, served by Certified and First Class Mail a copy of the Accusation
27 No. 2411, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
28 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,

1 which was and is 1909 East Saltsage Drive, Phoenix, AZ 85048. A copy of the Accusation, the
2 related documents, and Declaration of Service are attached as exhibit A, and are incorporated
3 herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. Government Code section 11506 states, in pertinent part:

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

11 6. Respondent failed to file a Notice of Defense within 15 days after service
12 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
13 Accusation No. 2411.

14 7. California Government Code section 11520 states, in pertinent part:

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

19 8. Pursuant to its authority under Government Code section 11520, the Board
20 finds Respondent is in default. The Board will take action without further hearing and, based on
21 Respondent's express admissions by way of default and the evidence before it, contained in
22 exhibit A, finds that the allegations in Accusation No. 2411 are true.

23 9. The total costs for investigation and enforcement are \$952.00 as of
24 March 8, 2002.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Martin Woensdregt
27 has subjected his Pharmacy License Certificate Number RPH 4196 to discipline.

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11 In the Matter of the Accusation Against:

Case No.

12 MARTIN JOHN WOENSDREGT
1909 East Saltsage Drive
13 Phoenix, AZ 85048

A C C U S A T I O N

14 Licentiate Certificate No. RPH 41696

15 Respondent.
16

17 Patricia F. Harris, for causes for discipline, alleges:

18 **PARTIES**

19 1. Patricia F. Harris ("Complainant") makes and files this accusation in her
20 official capacity as the Executive Officer of the California State Board of Pharmacy, Department
21 of Consumer Affairs ("Board").

22 2. On or March 31, 1988, the Board issued Pharmacy License Certificate
23 Number RPH 41696 to Martin John Woensdregt ("Respondent"). The license was in full force
24 and effect at all times pertinent herein and has been renewed through May 31, 2003.

25 **JURISDICTION**

26 3. Business and Professions Code section 4301 provides, in part, that the
27 Board shall take action against any holder of a license who is guilty of unprofessional conduct.

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1 Section 4301(n) provides that the revocation, suspension or other discipline by another state of a
2 license to practice pharmacy is unprofessional conduct.

3 4. Business and Professions Code section 4307 (formerly section 4367)
4 provides, in part, that any person who has been denied a license, permit, or registration, or whose
5 license, permit or registration has been revoked or is under suspension, or who has failed to
6 renew his or her license, permit, or registration or is under suspension or who has failed to renew
7 his or her license, permit, or registration while it was under suspension or who has been a
8 manager, administrator, owner, member, officer, director, associate, or partner of any
9 partnership, corporation, firm, or association whose application for a license, permit, or
10 registration has been denied or revoked, is under suspension or has been placed on probation, and
11 while acting as such manager, administrator, owner, member officer, director, associate or
12 partner has knowledge of or knowingly participated in any conduct for which the license, permit,
13 or registration was denied, revoked, suspended, or placed on probation, shall be prohibited from
14 serving as a manager, administrator, owner, member, officer, director, associate or partner of a
15 licensee, permittee, or registrant. Where a probationary license, permit, or registration is issued
16 or where an existing license, permit, or registration is placed on probation, this probation shall
17 remain in effect for a period not to exceed five years. Where the license, permit, or registration is
18 denied or revoked, the probation shall continue until the license, permit, or registration is issued
19 or reinstated.

20 5. Section 125.3 of the Business and Professions Code provides, in part, that
21 the Board may request the administrative law judge to direct any licentiate found to have
22 committed a violation or violations of the Licensing Act to pay the Board a sum not to exceed
23 the reasonable costs of the investigation and enforcement of the case.

24 COUNT I

25 6. Respondent's license is subject to disciplinary action under Business and
26 Professions Code section 4301(n) on the grounds of unprofessional conduct in that on or about
27 May 4, 2000, in Case No. 00-0004-PHR the Arizona State Board of Pharmacy issued an order in

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1 which it suspended Respondent's license for 30 days, to be followed by a probation or further
2 suspension until May 4, 2005, subject to enumerated terms and conditions.

3 **PRAYER**

4 WHEREFORE, Complainant prays that the Board hold a hearing on the matters
5 alleged herein, and following said hearing issue a decision:

6 1. Revoking or suspending Pharmacist License Number RPH 41696, issued
7 to Martin John Woensdregt;

8 2. Prohibiting Martin John Woensdregt from serving as a manager,
9 administrator, owner, member, officer, director, associate, or partner of a licensee, permittee, or
10 registrant;

11 3. Ordering Martin John Woensdregt to pay to the Board its costs of
12 investigation and enforcement of the case according to proof at the hearing pursuant to Business
13 and Professions Code section 125.3; and

14 4. Taking such other and further action as the Board deems necessary and
15 proper.

16 DATED: 8/23/01.

17
18
19 P. J. Harris
20 PATRICIA F. HARRIS
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California

25 Complainant

26 03583110-SA010849

27 ~~EVALUATION Woensdregt Accusation.wpd~~