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

In the Matter of the Accusation Against:	Case No. 2712
PATRICIA M. YOMTOB P.O. Box 3424 Camarillo, CA 93011 and 1384 Ramona Drive Newbury Park, CA 91320 Pharmacy Technician Registration No. TCH 27589 Respondent.	**DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 10, 2004, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 2712 against Patricia M. Yomtob (Respondent) before the Board of Pharmacy.

2. On or about October 29, 1998, the Board issued Pharmacy Technician Registration No. TCH 27589 to Respondent. The Registration was in full force and effect at all times relevant to the charges brought herein and expired on October 31, 2004, and has not been renewed.

3. On or about August 20, 2004, Louise Steinberg, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2712, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is P.O. Box 3424, Camarillo, CA 93011. A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

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

5. On or about August 25, 2004, the aforementioned documents were received and signed for by the Respondent at her address of record with the Board. A copy of the postal return receipt is incorporated herein by reference.

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

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

7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2712.

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

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

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in

exhibit A finds that the allegations in Accusation No. 2712 are true.

10. The total costs for investigation and enforcement are $7,618.50 as of November 1, 2004.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Patricia M. Yomtob has subjected her Pharmacy Technician Registration No. TCH 27589 to discipline.

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

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation:

a. Business and Professions Code sections 4059, subdivision (a), and 4060 and Health and Safety Code section 11173, subdivision (a) - possessed and furnished controlled substances to others without a prescription.

b. Business and Professions Code section 4300 and 4301(f), dishonesty, fraud, deceit and corruption.

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 27589, heretofore issued to Respondent Patricia M. Yomtob, is revoked.

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

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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. 2712
Patricia M. Yomtob PO Box 3424 Camarillo, CA 93011 and 1384 Ramona Dr Newbury Park, CA 91320 Pharmacy Technician Registration No. TCH 27589 Respondent.	**DEFAULT DECISION AND ORDER**

DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on February 3, 2005.

It is so ORDERED on January 4, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG
Board President

Exhibit A

Accusation No. 2712

BILL LOCKYER, Attorney General
of the State of California
GUS GOMEZ, State Bar No. 146845
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2563
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: PATRICIA M. YOMTOB P.O. Box 3424 Camarillo, CA 93011 and 1384 Ramona Dr. Newbury Park, CA 91320 Pharmacy Technician Registration No. TCH 27589 Respondent.	Case No. 2712 **ACCUSATION**

Complainant alleges:

PARTIES

1. Patricia F. Harris (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

2. On or about October 29, 1998, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 27589 to Patricia M. Yomtob (Respondent). The Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2004, unless renewed.

JURISDICTION

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

4. Section 4300 permits the Board to take disciplinary action to suspend or revoke a license or permit.

5. Section 118(b) states the suspension, expiration, or forfeiture by operation of law of a license issued by a Board in the department, or its suspension, forfeiture, or cancellation by order of the Board or by order of a court of law, or its surrender without the written consent of the Board, shall not, during any period in which it may be renewed, restored, reissued (Section 4096), or reinstated, deprive the Board of its authority to institute or continue a disciplinary proceeding against the licensee.

6. Section 4301 states that the Board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

. . . .

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

. . . .

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

. . . .

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board."

7. Section 4022 defines "Dangerous Drug" as any drug that is unsafe for self-medication and which by federal or state law can be lawfully dispensed only on prescription.

8. Section 4059(a) states, in pertinent part, that no person shall furnish any dangerous drug, except on the prescription of a physician or other authorized prescriber.

9. Section 4060 states, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician or other authorized prescriber.

10. Health & Safety Code section 11173(a) states that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

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

CONTROLLED SUBSTANCES

12. Ambien (generic - Zolpidem Tartrate) is a dangerous drug as defined by section 4022 and classified as a controlled substance schedule IV as listed in Health and Safety Code section 11057(d). It is used for the treatment of insomnia.

13. Lorcet (brand of Hydrocodone and Acetaminophen) is a dangerous drug as defined by section 4022 and classified as a controlled substance schedule III as listed in Health and Safety Code Section 11056(e)(4). It is a narcotic analgesic.

14. Norco (generic - Hydrocodone/Acetaminophen 10 mg/325mg) is a dangerous drug as defined by section 4022 and classified as a controlled substance schedule III as listed in Health and Safety Code section 11056(e)(4). It is a narcotic analgesic combination.

15. Tylenol #3 (generic - Codeine 30mg and Acetaminophen 500mg) is a dangerous drug as defined by section 4022 and is classified as a controlled substance schedule III as listed in Health and Safety Code section 11056(e)(2). It is a narcotic analgesic used in the

treatment of moderate to severe pain.

16. Valium (brand of Diazepam) is a dangerous drug as defined by section 4022 and is classified as a controlled substance schedule IV as listed in Health and Safety Code Section 11057(d)(9). It is a benzodiazepine used to treat anxiety.

17. Vicodin (generic - Hydrocodone/Acetaminophen 5 mg/500mg) is a dangerous drug as defined by section 4022 (c) of the Code and is classified as a controlled substance schedule III as defined in Health and Safety Code section 11056(e)(4). Its indicated use is for relief of moderate to severe pain.

18. Vicodin ES (generic - Hydrocodone 7.5 and Acetaminophen 750mg) is a dangerous drug as defined section 4022 and is classified as a controlled substance schedule III as listed in Health and Safety Code Section 11056(e)(4). It is a narcotic analgesic used in the treatment of moderate to severe pain.

19. Xanax (generic - Alprazolam) is a dangerous drug as defined by section 4022 of the Code and is a classified as a controlled substance schedule IV as listed in Health and Safety Code Section 11057(d)(1).

20. Viagra (generic - Sildenafil Citrate) is a dangerous drug as defined by section 4022. It is used in the treatment of Erectile Dysfunction.

FIRST CAUSE FOR DISCIPLINE

(Fraud, Possession and Furnishing Controlled Substances)

21. Respondent has subjected her license to discipline pursuant to section 4300 of the Code for unprofessional conduct as defined in section 4301(j) of the Code and in violation of sections 4059(a) and 4060 of the Code in conjunction with Health and Safety Code section 11173 (a) in that Respondent fraudulently possessed and furnished controlled substances and dangerous drugs to others without a prescription as follows:

a. On October 24, 2002, while employed at Sav-on Drugs Store No. 9719, Respondent was subjected to a bag check by her employer. Respondent carried her purse and a box. Inside the box were found one bottle of 500 tablets of Hydrocodone with Acetaminophen 7.5 mg/750mg, three bottles of 100 tablets of Hydrocodone with Acetaminophen 7.5mg/750mg,

and two bottles of 100 tablets of Hydrocodone with Acetaminophen 10mg/325mg.

b. In a written statement dated October 24, 2002, Respondent admitted to diverting controlled substances. During a six-month period, Respondent repeatedly removed controlled substances from the pharmacy shelves, placed the bottles in the box , and exited the store.

c. In another written statement, dated October 28, 2002, Respondent admitted to the theft of Valium 10mg, Hydrocodone with Acetaminophen 7.5mg/750mg, Vicodin ES, Vicodin 5mg/500mg, Hydrocodone with Acetaminophen 10mg/325mg, Acetaminophen with Codeine #3, Carisoprodol 350mg, Alprazolam 2mg, Viagra 2mg, Hydrocodone with Acetaminophen 10mg/650mg, and Hydrocodone with Acetaminophen 10mg/500mg.

d. Respondent admitted selling the controlled substances to acquaintances to earn extra money.

SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

22. Respondent has subjected her license to disciplinary action pursuant to sections 4300 and 4301(f) for unprofessional conduct in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption as stated above in paragraph 21.

THIRD CAUSE FOR DISCIPLINE

(Violation of the Pharmacy Law)

23. Respondent has subjected her license to disciplinary action pursuant to sections 4300 and 4301(o) for unprofessional conduct in that Respondent violated the pharmacy laws when she committed acts as stated above in paragraphs 21 and 22.

PRAYER

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

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1. Revoking or suspending Pharmacy Technician Registration No. TCH 27589, issued to Patricia M. Yomtob;

2. Ordering Patricia M. Yomtob to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 8/10/04

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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BILL LOCKYER, Attorney General
of the State of California
GUS GOMEZ, State Bar No. 146845
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2563
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: PATRICIA M. YOMTOB Respondent.	Case No. 2712 **STATEMENT TO RESPONDENT** [Gov. Code §§ 11503, 11505, subd. (b)]

TO RESPONDENT:

Enclosed is a copy of the Accusation that has been filed with the Board of Pharmacy of the Department of Consumer Affairs (Board), and which is hereby served on you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Board, represented by Deputy Attorney General Gus Gomez, within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the Board may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in section 11506 of the Government Code, to

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Gus Gomez
Deputy Attorney General
Ronald Reagan Building
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

You may, but need not, be represented by counsel at any or all stages of these proceedings.

The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

If you file any Notice of Defense within the time permitted, a hearing will be held on the charges made in the Accusation.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California 90013, within ten (10) working days after you discover the good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in section 11507.6 of the Government Code in the possession, custody or control of the Board you may send a Request for Discovery to the above designated Deputy Attorney General.

NOTICE REGARDING STIPULATED SETTLEMENTS

It may be possible to avoid the time, expense and uncertainties involved in an administrative hearing by disposing of this matter through a stipulated settlement. A stipulated

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settlement is a binding written agreement between you and the government regarding the matters charged and the discipline to be imposed. Such a stipulation would have to be approved by the Board of Pharmacy but, once approved, it would be incorporated into a final order.

Any stipulation must be consistent with the Board's established disciplinary guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the Board's Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Deputy Attorney General Gus Gomez at the earliest opportunity.

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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. 2712
PATRICIA M. YOMTOB	**NOTICE OF DEFENSE**
Respondent.	[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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

In the Matter of the Accusation Against:	Case No. 2712
PATRICIA M. YOMTOB	**NOTICE OF DEFENSE**
Respondent.	[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

BILL LOCKYER, Attorney General
of the State of California
GUS GOMEZ, State Bar No. 146845
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2563
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Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 2712
PATRICIA M. YOMTOB	**REQUEST FOR DISCOVERY**
Respondent.	[Gov. Code § 11507.6]

TO RESPONDENT:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE HEREBY REQUESTED TO:

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and

2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:

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a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the Respondent as to this person is the basis for the administrative proceeding;

b. A statement pertaining to the subject matter of the proceeding made by any party to another party or persons;

c. Statements of witnesses then proposed to be called by the Respondent and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

d. All writings, including but not limited to reports of mental, physical and blood examinations and things which the Respondent now proposes to offer in evidence;

e. Any other writing or thing which is relevant and which would be admissible in evidence, including but not limited to, any patient or hospital records pertaining to the persons named in the pleading;

f. Investigative reports made by or on behalf of the Respondent pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this Request for Discovery, "statements" include written statements by the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

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YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: 6/20/04

BILL LOCKYER, Attorney General
of the State of California

GUS GOMEZ
Deputy Attorney General

Attorneys for Complainant

COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

In the Matter of the Accusation Against: PATRICIA M. YOMTOB
Agency Case No. 2712

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 20, 2004, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 So. Spring St., Los Angeles, CA 90013, addressed as follows:

Patricia M. Yomtob
P.O. Box 3424
Camarillo, CA 93011

U.S. MAIL CERT. NO.
7001 0360 0003 6706 8535

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 20, 2004, at Los Angeles, California.

LOUISE STEINBERG for DAG
GUS GOMEZ

Typed Name

Signature

60054823.wpd

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0003 6706 8535

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To
Patricia M. Yomtob
Street, Apt. No.; or PO Box No. P.O. Box 3424
City, State, ZIP+4 Camarillo, CA 93011

PS Form 3800, January 2000 See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☑ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Patricia M. Yomtob
P.O. Box 3424
Camarillo, CA 93011

4a. Article Number

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery 8/25/04

5. Received By: *(Print Name)* PATRICIA M. Yomtob

6. Signature: *(Addressee or Agent)* X [illegible]

8. Addressee's Address *(Only if requested and fee is paid)*

7001 0360 0003 6706 8535

PS Form **3811**, December 1994 102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.