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7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2727

13 **LORIE ELIZABETH GARLICK**
7557 Kilarney Lane, Apt. 296
14 Citrus Heights, California 95610

OAH No. N2004030112

15 Original Pharmacist License No. 40211

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Patricia F. Harris ("Complainant") is the Executive Officer of the Board of
23 Pharmacy ("Board"). She brought this action solely in her official capacity and is represented in
24 this matter by Bill Lockyer, Attorney General of the State of California, by Kent D. Harris,
25 Deputy Attorney General.

26 2. Respondent Lorie Elizabeth Garlick ("Respondent") is represented in this
27 proceeding by attorney John Haluck, of La Follette, Johnson, De Hass, Fesler, Silberberg &
28 Ames, whose address is 655 University Avenue, Suite 119, Sacramento, CA 95825.

1 satisfaction of the Board's staff that she has refrained from practicing pharmacy pursuant to her
2 participation in the Pharmacists Recovery Program ("PRP").

3 During suspension, Respondent shall not enter any pharmacy area or any portion
4 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
5 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
6 drugs and devices or controlled substances are maintained. Respondent shall not practice
7 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
8 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or be
9 a consultant to any licensee of the Board, or have access to or control the ordering,
10 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

11 Respondent shall not engage in any activity that requires the professional
12 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
13 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
14 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to
15 own or hold an interest in any pharmacy in which she holds an interest at the time this decision
16 becomes effective unless otherwise specified in this order.

17 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
18 regulations substantially related to or governing the practice of pharmacy.

19 Respondent shall report any of the following occurrences to the Board, in writing,
20 within 72 hours of such occurrence:

- 21 • an arrest or issuance of a criminal complaint for violation of any provision of the
22 Pharmacy Law, state and federal food and drug laws, or state and federal
23 controlled substances laws
- 24 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
25 any criminal complaint, information or indictment
- 26 • a conviction of any crime

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- discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or controlled substance.

3. **Reporting to the Board.** Respondent shall report to the Board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the Board.

4. **Interview with the Board.** Upon receipt of reasonable notice, Respondent shall appear in person for interviews with the Board upon request at various intervals at a location to be determined by the Board. Failure to appear for a scheduled interview without prior notification to Board staff shall be considered a violation of probation.

5. **Cooperation with Board Staff.** Respondent shall cooperate with the Board's inspectional program and in the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of her probation. Failure to comply shall be considered a violation of probation.

6. **Continuing Education.** Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

7. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case number 2727 and the terms, conditions and restrictions imposed on Respondent by the decision. Within thirty (30) days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer has read the decision in case number 2727.

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1 If Respondent works for or is employed by or through a pharmacy employment
2 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
3 every pharmacy of the and terms conditions of the decision in case number 2727 in advance of
4 the Respondent commencing work at each pharmacy.

5 "Employment" within the meaning of this provision shall include any full-time,
6 part-time, temporary, relief or pharmacy management service as a pharmacist, whether the
7 Respondent is considered an employee or independent contractor.

8 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
9 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
10 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
11 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
12 order.

13 9. **Reimbursement of Board Costs.** Within thirty (30) calendar days of
14 the effective date of the Board's Decision and Order adopting this Stipulated Settlement and
15 Disciplinary Order, Respondent shall pay to the Board its costs of investigation and
16 prosecution in the amount of \$5,000.00.

17 Alternatively, Respondent may pay that amount in forty (40) equal monthly
18 payments of \$125.00 per month. The first payment shall be due on the first day of the month
19 following the month in which the Board's Decision and Order becomes effective. The
20 remaining payments shall be due by the first day of the following thirty-nine (39) consecutive
21 months.

22 Failure to make a timely payment shall constitute a violation of probation.

23 The filing of bankruptcy by Respondent shall not relieve Respondent of her
24 responsibility to reimburse the Board its costs of investigation and prosecution.

25 10. **Probation Monitoring Costs.** Respondent shall pay the costs
26 associated with probation monitoring as determined by the Board each and every year of
27 probation. Such costs shall be payable to the Board at the end of each year of probation.
28 Failure to pay such costs shall be considered a violation of probation.

1 11. **Status of License.** Respondent shall, at all times while on probation,
2 maintain an active current license with the Board, including any period during which
3 suspension or probation is tolled.

4 If Respondent's license expires or is canceled by operation of law or otherwise,
5 upon renewal or re-application, Respondent's license shall be subject to all terms and
6 conditions of this probation not previously satisfied.

7 12. **License Surrender while on Probation/Suspension.** Following the
8 effective date of this decision, should Respondent cease practice due to retirement or health, or
9 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
10 her license to the Board for surrender. The Board shall have the discretion whether to grant
11 the request for surrender or take any other action it deems appropriate and reasonable. Upon
12 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
13 terms and conditions of probation.

14 Upon acceptance of the surrender, Respondent shall relinquish her pocket
15 license to the Board within ten (10) days of notification by the Board that the surrender is
16 accepted. Respondent may not reapply for any license from the Board for three years from the
17 effective date of the surrender. Respondent shall meet all requirements applicable to the
18 license sought as of the date the application for that license is submitted to the Board.

19 13. **Notification of Employment/Mailing Address Change.** Respondent
20 shall notify the Board in writing within ten (10) days of any change of employment. Said
21 notification shall include the reasons for leaving and/or the address of the new employer,
22 supervisor or owner and work schedule if known. Respondent shall notify the Board in
23 writing within ten (10) days of a change in name, mailing address or phone number.

24 14. **Tolling of Probation.** Should Respondent, regardless of residency, for
25 any reason cease practicing pharmacy for a minimum of eighty (80) hours per calendar month
26 in California, Respondent must notify the Board in writing within ten (10) days of cessation of
27 the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
28 shall not apply to the reduction of the probation period. It is a violation of probation for

1 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
2 period exceeding three (3) years. "Cessation of practice" means any period of time exceeding
3 thirty (30) days in which Respondent is not engaged in the practice of pharmacy as defined in
4 Section 4052 of the Business and Professions Code.

5 **15. Violation of Probation.** If Respondent violates probation in any
6 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
7 probation and carry out the disciplinary order which was stayed. If a petition to revoke
8 probation or an accusation is filed against Respondent during probation, the Board shall have
9 continuing jurisdiction and the period of probation shall be extended, until the petition to
10 revoke probation or accusation is heard and decided.

11 If Respondent has not complied with any term or condition of probation, the
12 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
13 be extended until all terms and conditions have been satisfied or the Board has taken other
14 action as deemed appropriate to treat the failure to comply as a violation of probation, to
15 terminate probation, and to impose the penalty which was stayed.

16 **16. Completion of Probation.** Upon successful completion of probation,
17 Respondent's license will be fully restored.

18 **17. Restricted Practice.** Notwithstanding any other provision in this
19 Stipulated Settlement and Disciplinary Order, Respondent shall not practice pharmacy unless
20 and until a determination is made by the Pharmacists Recovery Program ("PRP") that it is
21 safe, with or without restrictions, for her to do so. Respondent shall submit proof satisfactory
22 to the Board of compliance with this term of probation.

23 **18. Rehabilitation Program - Pharmacists Recovery Program (PRP).**
24 Within thirty (30) days of the effective date of this decision, Respondent shall contact the
25 Pharmacists Recovery Program for evaluation and shall successfully participate in and
26 complete the treatment contract and any subsequent addendums as recommended and
27 provided by the PRP and as approved by the Board. The costs for PRP participation shall be
28 borne by the Respondent.

1 If Respondent is currently enrolled in the PRP, said participation is now
2 mandatory and is no longer considered a self-referral under Business and Professions Code
3 section 4363, as of the effective date of this decision. Respondent shall successfully
4 participate in and complete her current contract and any subsequent addendums with the PRP.
5 Probation shall be automatically extended until Respondent successfully completes her
6 treatment contract. Any person terminated from the program shall be automatically suspended
7 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
8 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
9 probation for any violation of this term.

10 19. **Random Drug Screening.** Respondent, at her own expense, shall
11 participate in random testing, including but not limited to biological fluid testing (urine,
12 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
13 The length of time shall be for the entire probation period and the frequency of testing will be
14 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
15 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
16 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
17 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
18 in the immediate suspension of practice by Respondent. Respondent may not resume the
19 practice of pharmacy until notified by the Board in writing.

20 20. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
21 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
22 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
23 practitioner as part of a documented medical treatment. Upon request of the Board,
24 Respondent shall provide documentation from the licensed practitioner that the prescription
25 was legitimately issued and is a necessary part of the treatment of the Respondent.

26 21. **Supervised Practice.** Respondent shall practice only under the
27 supervision of a pharmacist not on probation with the Board. Respondent shall not practice
28 until the supervisor is approved by the Board. During the first three (3) years of probation, the

1 supervision shall occur during 100% of the work week. Thereafter, the supervision shall be,
2 as required by the Board, either:

3 Continuous - 75% to 100% of a work week.

4 Substantial - At least 50% of a work week.

5 Partial - At least 25% of a work week.

6 Daily Review - Supervisor's review of probationer's daily activities within 24
7 hours.

8 Within thirty (30) days of the effective date of this decision, Respondent shall
9 have her supervisor submit notification to the Board in writing stating the supervisor has read
10 the decision in case number 2727 and is familiar with the level of supervision as determined
11 by the Board.

12 If Respondent changes employment, Respondent shall have her new supervisor,
13 within 15 days after employment commences, submit notification to the Board in writing
14 stating the direct supervisor and pharmacist-in-charge have read the decision in case number
15 2727 and is familiar with the level of supervision as determined by the Board.

16 Within ten (10) days of leaving employment, Respondent shall notify the Board
17 in writing.

18 22. **No Supervision.** Respondent shall not supervise any ancillary
19 personnel, including, but not limited to, registered pharmacy technicians or exemptees, of any
20 entity licensed by the Board.

21 23. **Tolling of Suspension.** If Respondent leaves California to reside or
22 practice outside this state, for any period exceeding ten (10) days (including vacation),
23 Respondent must notify the Board in writing of the dates of departure and return. Periods of
24 residency or practice outside the state - or any absence exceeding a period of ten (10) days
25 shall not apply to the reduction of the suspension period.

26 Respondent shall not practice pharmacy upon returning to this state until
27 notified by the Board that the period of suspension has been completed.

28 ///

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

In the Matter of the Accusation Against:

LORIE ELIZABETH GARLICK
7557 Kilarney Lane, Apt. 296
Citrus Heights, California 95610

Original Pharmacist License No. 40211

Respondent.

Case No. 2727

OAH No. N2004030112

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 8, 2004.

It is so ORDERED June 8, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

LORIE ELIZABETH GARLICK
STIPULATED SETTLEMENT &
DISCIPLINARY ORDER

Exhibit A
Accusation No. 2727

**LORIE ELIZABETH GARLICK
STIPULATED SETTLEMENT &
DISCIPLINARY ORDER**

1 BILL LOCKYER, Attorney General
of the State of California
2 RONALD L. DIEDRICH, State Bar No. 95146
Supervising Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
6 E-mail: ron.diedrich@doj.ca.gov

7 Attorneys for Complainant

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11

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

12

In the Matter of the Accusation Against:

Case No. 2727

13

LORIE ELIZABETH GARLICK
7557 Kilarney Lane, Apt. 296
14 Citrus Heights, California 95610

A C C U S A T I O N

15

Original Pharmacist License No. 40211

16

Respondent.

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Complainant alleges:

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PARTIES

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

24

2. On or about August 20, 1986, the Board issued Original Pharmacist
25 License Number 40211 to Lorie Elizabeth Garlick ("Respondent"). Respondent's pharmacist
26 license was in full force and effect at all times relevant to the charges brought herein and will
27 expire on November 30, 2005, unless renewed.

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(Cost Recovery)

13. Code section 125.3 provides, 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.

FIRST CAUSE FOR DISCIPLINE

(Corrupt Acts)

14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

15. From 1998 thru January 1999, the exact dates of which are unknown, Respondent unlawfully, dishonestly and/or fraudulently appropriated Norco, Vicodin and/or other hydrocodone containing medications from her employer, while employed as a licensed pharmacist for Bel Air Pharmacy in Antelope, California.

16. From April 2000 thru May 2003, the exact dates of which are unknown, Respondent unlawfully, dishonestly and/or fraudulently appropriated Norco, Vicodin and/or other hydrocodone containing medications, as well as other controlled substances and dangerous drugs, such as Ativan and Xanax, from her employer, while employed by the Bel Air Pharmacy Corporation and working as a licensed pharmacist at various Bel Air pharmacies in the Sacramento area, including stores in Fair Oaks, Gold River and Folsom, California.

SECOND CAUSE FOR DISCIPLINE

(Self-Administration)

17. Respondent is also subject to disciplinary action under Code section 4301, subdivision (h), in that Respondent administered to herself a controlled substance, or used a dangerous drug to the extent or in a manner as to be dangerous or injurious to herself, to a person holding a pharmacist license, or to any other person or to the public, and/or to the extent that the use impaired his ability to safely conduct the practice of pharmacy.

///

1 BILL LOCKYER, Attorney General
of the State of California
2 RONALD L. DIEDRICH, State Bar No. 95146
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2727

12 LORIE ELIZABETH GARLICK

STATEMENT TO RESPONDENT

13 Respondent.

[Gov. Code §§ 11503, 11505, subd. (b)]

14
15 TO RESPONDENT:

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

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

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

26 **Ronald L. Diedrich**
Deputy Attorney General
27 **1300 I Street, Suite 125**
P.O. Box 944255
28 **Sacramento, California 94244-2550.**

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

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

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

10 The hearing may be postponed for good cause. If you have good cause, you are
11 obliged to notify the Office of Administrative Hearings, 560 J Street, Suite 340/360, Sacramento,
12 California 95814, within ten (10) working days after you discover the good cause. Failure to
13 notify the Office of Administrative Hearings within ten (10) days will deprive you of a
14 postponement.

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

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

21 **NOTICE REGARDING STIPULATED SETTLEMENTS**

22 It may be possible to avoid the time, expense and uncertainties involved in an
23 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
24 settlement is a binding written agreement between you and the government regarding the matters
25 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
26 Board of Pharmacy but, once approved, it would be incorporated into a final order.

27 Any stipulation must be consistent with the Board's established disciplinary
28 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the

1 Board's Disciplinary Guidelines will be provided to you on your written request to the state
2 agency bringing this action.

3 ///

4 If you are interested in pursuing this alternative to a formal administrative hearing,
5 or if you have any questions, you or your attorney should contact Deputy Attorney General
6 Ronald L. Diedrich 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:

LORIE ELIZABETH GARLICK

Respondent.

Case No. 2727

NOTICE OF DEFENSE

[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
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Respondent.

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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.

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1 BILL LOCKYER, Attorney General
of the State of California
2 RONALD L. DIEDRICH, State Bar No. 95146
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BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2727

12 LORIE ELIZABETH GARLICK

REQUEST FOR DISCOVERY

13 Respondent.

[Gov. Code § 11507.6]

14
15 TO RESPONDENT:

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

20
21 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
22 ARE HEREBY REQUESTED TO:

- 23 1. Provide the names and addresses of witnesses to the extent known to the
24 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
25 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
26 the following in the possession or custody or under control of the Respondent:
27 a. A statement of a person, other than the Respondent, named in the initial
28 administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

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

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

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

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

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

20
21 For the purpose of this Request for Discovery, "statements" include written
22 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
23 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
24 and written reports or summaries of these oral statements.

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

**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.

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

In the Matter of the Accusation Against: LORIE ELIZABETH GARLICK

Agency Case No. 2727

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.

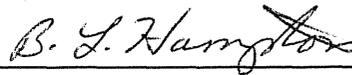
On February 19, 2004, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, 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 1300 I Street, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

LORIE ELIZABETH GARLICK
7557 Kilarney Lane, Apt. 296
Citrus Heights, CA 95610
7160 3901 9848 2213 1672

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 February 19, 2004, at Sacramento, California.

B. L. HAMPTON

Typed Name



Signature

Courtesy Copy: Patricia F. Harris, Executive Officer, Pharmacy Board

Certified Article Number
 7160 3901 9848 2213 1672
SENDER'S RECORD

7160 3901 9848 2213 1672

TO: Lorie Elizabeth Garlick
 7557 Kilarney Lane, Apt. 296
 Citrus Heights, CA 95610

SENDER: Ronald L. Diedrich, SDAG

REFERENCE: SA2003104871

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	
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	Return Receipt Fee	
	Restricted Delivery	
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2. Article Number



7160 3901 9848 2213 1672

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Lorie Elizabeth Garlick
 7557 Kilarney Lane, Apt. 296
 Citrus Heights, CA 95610

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) DAVID A. MITCHELL B. Date of Delivery FEB 25 2004

C. Signature FATMEAS Agent Addressee

D. Is delivery address different from item 1? Yes No
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 2004 FEB 26 AM 10:26
 DEPARTMENT OF JUSTICE
 SACRAMENTO OFFICE

SA2003104871-ACC.Pkt

Ronald L. Diedrich, SDAG