

1 BILL LOCKYER, Attorney General
of the State of California
2 JESSICA M. AMGWERD, State Bar No. 155757
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) 445-7376
Facsimile: (916) 327-8643

6 Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Agency Case No.: 2744

13 RICHARD DAVID LYNN
2725 W. Wigwam # 1069
14 Las Vegas, Nevada 89123

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

15 License No.: RPH 47945

16 Respondent.

17 In the interest of a prompt and speedy settlement of this matter, consistent with the
18 public interest and the responsibility of the Board of Pharmacy, the parties hereby agree to the
19 following Stipulated Settlement and Disciplinary Order which will be submitted to the Board of
20 Pharmacy for approval and adoption as the final disposition of the pending

- 21 1. Respondent Richard David Lynn, was issued License Number RPH 47945
22 to practice as a pharmacist in the State of California.
23 2. Accusation in Case No. 2744 is currently pending before the Board of
24 Pharmacy against Richard David Lynn.
25 3. Respondent is not represented by counsel. Complainant is represented by
26 Bill Lockyer, Attorney General, through Deputy Attorney General, Jessica M. Amgwerd.
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1 **ADMISSIONS**

2 4. For purposes of this Stipulation only, Respondent admits to the allegations
3 as set forth in Accusation No. 2744. More specifically, Respondent admits to a violation of
4 Business and Professions Code section 4301(n) [out-of-state discipline] and section 4301(f)
5 [moral turpitude, deceit and corruption.]

6 **WAIVER AND RIGHTS**

7 5. Respondent is fully aware of, and understands, each of his rights,
8 including the right to be represented by an attorney at an administrative hearing on the charges
9 and allegations contained in the Accusation No. 2744, the right to confront and cross-examine
10 witnesses, the right to present evidence in Respondent's favor, the right to call witnesses on
11 Respondent's behalf, the right to testify, the right to contest the charges and allegations, the right
12 to present evidence in mitigation, and all other rights accorded pursuant to the Business and
13 Professions Code and the California Administrative Procedure Act (Govt. Code section 11500, et
14 seq.), including the right to seek reconsideration, review by the Superior court, and Appellate
15 review.

16 6. Respondent is aware of and understands his right to retain legal counsel to
17 advise and represent him in this matter.

18 7. Respondent is a licensee of the Board of Pharmacy and has been duly
19 served with the pleadings on file pending in Case No. 2744, and accompanying documents. A
20 copy of the pleadings are attached hereto as an Exhibit and are incorporated herein by reference.
21 Respondent is subject to the jurisdiction of the Board of Pharmacy in regard to the matters
22 alleged in the pleadings.

23 8. Respondent understands the nature of the charges alleged in the pleadings,
24 including the penalties requested therein, and further understands the legal effect of entering into
25 this Stipulation. Respondent freely and voluntarily enters into this Stipulation and agrees to be
26 bound by the terms and conditions of the Stipulation and to comply with the Decision and Order.

27 9. Respondent hereby withdraws his Notice of Defense filed in this action
28

1 and agrees that he will not contest the allegations contained in the pleadings. Respondent
2 understands that by withdrawing his Notice of Defense and entering into this Stipulation, he
3 freely and voluntarily waive his rights to a hearing on the charges and allegations contained in the
4 pleadings, to reconsideration, to appeal, to judicial review, and to all other rights which it may
5 have under the California Administrative Procedure Act and the laws and regulations of the State
6 of California.

7 10. The Board of Pharmacy has expended Six Hundred Fifty Eight Dollars
8 (\$658.00) in costs of investigation and enforcement in this case, reimbursable to the Board of
9 Pharmacy by respondent pursuant to Business and Professions Code section 125.3.

10 11. This Stipulation shall be null and void and not binding upon the parties
11 unless and until it is adopted by the Board of Pharmacy. Respondent agrees that the Board of
12 Pharmacy and counsel for complainant may communicate regarding this stipulation, without
13 notice to or participation by respondent. If the Board of Pharmacy fails to adopt this Stipulation,
14 it shall have no force or effect (except for this paragraph), and the matter will be set for hearing
15 and the Board of Pharmacy shall not be disqualified from further action in this matter because of
16 his consideration of this stipulation.

17 12. This agreement is entered into for purposes of final settlement of
18 Accusation No. 2744. The matters contained in this Stipulation are for purposes of this
19 proceeding and for any other disciplinary proceedings by the Board of Pharmacy in any action
20 taken by or before any governmental body which licenses contractors, but have no force or effect
21 in any other case or proceeding. The admissions are not admissible in any civil or criminal
22 proceeding.

23 13. The parties hereby stipulate that a signed Facsimile (FAX) copy of this
24 document shall be valid and binding as though it were the original.

25 14. Based on the foregoing stipulated matters, the parties agree that the Board
26 of Pharmacy shall, without further notice or formal proceeding, issue and enter the following
27 order:
28

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that a public reprimand, including payment of
3 investigation and prosecution costs, shall be issued against licensee Respondent Richard David
4 Lynn (License No. RPH 47945).

5 Respondent shall pay to the Board of Pharmacy its costs of investigation and
6 prosecution in the amount of Six Hundred Fifty Eight Dollars (\$658.00), pursuant to Business
7 and Professions Code section 125.3. The Six Hundred Fifty Eight Dollars (\$658.00) shall be
8 paid within thirty days after the effective date of the decision. Respondent shall make payment
9 by certified or cashiers' check or money order payable to "Board of Pharmacy" and mailed to the
10 Board of Pharmacy at the following address: Board of Pharmacy, 400 R Street, Suite 4070,
11 Sacramento, CA 95814-6200. If Respondent fails to make any payment on the date it is due, the
12 Board of Pharmacy shall, without affording Respondent notice and the opportunity to be heard,
13 revoke Respondent's license.

14 **ACCEPTANCE**

15 I hereby state that I have read and understand the legal significance and
16 consequence of this Stipulation, and I fully understand all of, and agree to be bound by, the terms
17 of this document. I understand that I have certain rights under the California Administrative
18 Procedure Act and the laws and regulations of the State of California in regard to this matter, and
19 I knowingly and intelligently waive those rights.

20 I further understand that this Stipulation may not be accepted by the Board of
21 Pharmacy, in which case it is of no effect.

22 I have carefully read the above Stipulated Settlement and Disciplinary Order, and
23 I fully understand the terms and conditions and other matters contained therein, I understand the
24 effect this stipulation will have on my Contractors' License. I enter into this Stipulated
25 Settlement voluntarily, knowingly and intelligently and agree to be bound by the Disciplinary
26 Order and Decision of the Board of Pharmacy.

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I further agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 5, 2., 2004.

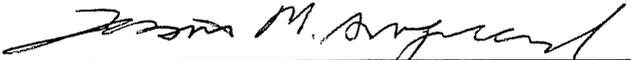

Richard David Lynn
License No. RPH 47945

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: May 7, 2004.

BILL LOCKYER, Attorney General
of the State of California


JESSICA M. AMGWERD
Deputy Attorney General

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

In the Matter of the Accusation Against:

Agency Case No.: 2744

RICHARD DAVID LYNN
2725 W. Wigwam # 1069
Las Vegas, Nevada 89123

DECISION AND ORDER

License No.: RPH 47945

Respondent.

DECISION AND ORDER

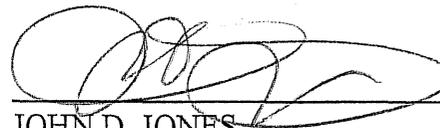
The foregoing Stipulation is hereby adopted by the Board of Pharmacy in the above-entitled matter.

This Decision shall become effective on the 8th day of July, 2004.

IT IS SO ORDERED this 8th day of June, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

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Exhibit A:
Accusation
Case No. 2744

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1 BILL LOCKYER, Attorney General
of the State of California
2 JESSICA M. AMGWERD, State Bar No. 155757
Deputy Attorney General
3 Office of the Attorney General
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Sacramento, California 94255-2550
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6 **Attorneys for Complainant**

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9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Agency Case No.: 2744

12 **RICHARD DAVID LYNN**
2725 W. Wigwam # 1069
13 Las Vegas, Nevada 89123

ACCUSATION

14 License No.: RPH 47945

15 Respondent.

16
17 Patricia F. Harris, for causes for discipline, alleges:

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

21 **I.**

22 **LICENSE INFORMATION**

23 2. On or about May 31, 1995, the Board issued License Number RPH
24 47945 to Richard David Lynn (hereinafter "Respondent"), to practice pharmacy in California.
25 The license has been renewed through March 31, 2005.

26 3. The Nevada State Board of Pharmacy ("Nevada Board") issued
27 Respondent a license to practice pharmacy, Certificate of Registration No. 14412. The Nevada
28 Board filed an accusation against Respondent, Case No. 99-045-RPH-S. On December 13,

1 1999, the Nevada Board issued an Amended Findings of Fact, Conclusions of Law, And Order,
2 which made the following Findings of Fact:

3 Mr. Lynn admitted in a written statement that he had removed from
4 Sav-on #2415, where he was employed, approximately 30 tablets of
5 Naltrexone and approximately 66 tablets of generic naltrexone.
6 Mr. Lynn explained in this statement that the naltrexone would
7 "keep him on track." Mr. Lynn did not have a prescription for
8 naltrexone and did not pay for the naltrexone he removed.

9 Mr. Lynn also admitted to removing over-the-counter drugs, such
10 as Nicotrol inhalers, to help him quit smoking, and various other
11 pharmacy items for an estimated cash total of \$574.98.

12 4. The Nevada Board found that in removing dangerous drugs, namely
13 naltrexone, without a lawful prescription therefor, Respondent violated
14 NRS 454.215(1), 454.221(1), 454.316(1), and 639.210(1), (4) and (12). Further, the Nevada
15 Board found that in removing over-the-counter medications and other items from Sav-on #2414
16 without paying for them, Respondent violated NRS 639.201(1) and (4) and NCA
17 639.945(1)(h).

18 II.

19 STATUTES

20 5. The California Business and Professions Code Section 4301 states as
21 follows:

22 **§4301. Unprofessional conduct; licenses procured through 23 misrepresentation, fraud or mistake**

24 The board shall take action against any holder of a license who is
25 guilty of unprofessional conduct . . . Unprofessional conduct shall
26 include, but is not limited to, any of the following:

- 27 . . .
- 28 (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.
- ...

1 (n) The revocation, suspension, or other discipline by another
2 state of a license to practice pharmacy, operate pharmacy,
3 or do any other act for which a license is required by this
chapter.

4 6. Section 125.3 of the California Business and Professions Code provides,
5 in part, the Board may request the administrative law judge to direct a licentiate found to have
6 committed a violation or violations of the licensing act to pay a sum not to exceed the
7 reasonable costs of the investigation and enforcement of the case.

8 7. Naltrexone - ReVia (naltrexone hydrochloride), an opioid antagonist, is a
9 synthetic congener of oxymorphone with no opioid agonist properties. ReVia is a pure opioid
10 antagonist. It markedly attenuates or completely blocks, reversibly, the subjective effects of
11 intravenously administered opioids, and requires a prescription.

12 III.

13 FACTUAL BACKGROUND

14 8. Respondent was an employee of Sav-on Drugs #2415. Respondent was
15 terminated from Sav-on Drugs, effective March 25, 1999, due to his removing 30 tablets of
16 Naltrexone and approximately 66 tablets of generic naltrexone. Respondent did not have a
17 prescription for naltrexone, nor did he pay for the naltrexone he removed. Accordingly, the
18 Nevada Board disciplined Respondent's Nevada pharmacy license as alleged in paragraph 3
19 above.

20 IV.

21 VIOLATIONS

22 Business and Professions Code §4301(n) 23 (Out-Of-State-Discipline)

24 9. Complainant incorporates herein by reference each and every allegation
25 contained in paragraphs 3, 4, 7, and 8 above. Respondent has violated the California Business
26 and Professions Code §4301(n), as a result of the Nevada Board disciplinary action, Case No.
27 99-045-RPH-S. Under said out-of-state discipline, Respondent was placed on probation, under
28 specific terms and conditions.

1 BILL LOCKYER, Attorney General
of the State of California
2 JESSICA M. AMGWERD, State Bar No. 155757
Deputy Attorney General
3 California Department of Justice
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BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 RICHARD DAVID LYNN
12 Respondent.

Case No. 2744
REQUEST FOR DISCOVERY
[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 For the purpose of this Request for Discovery, "statements" include written
21 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
22 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
23 and written reports or summaries of these oral statements.

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

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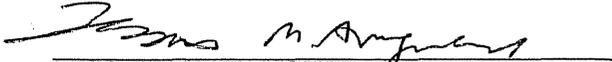
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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

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: 3-22-04

BILL LOCKYER, Attorney General
of the State of California



JESSICA M. AMGWERT
Deputy Attorney General

Attorneys for Complainant

Req for discover.wpt 10/31/00

1 BILL LOCKYER, Attorney General
of the State of California
2 JESSICA M. AMGWERD, State Bar No. 155757
Deputy Attorney General
3 California Department of Justice
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 RICHARD DAVID LYNN
12
13 Respondent.

Case No. 2744
STATEMENT TO 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 Jessica M. Amgwerd, 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 **Jessica M. Amgwerd**
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 Jessica M. Amgwerd at the earliest opportunity.

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statement to respondent.wpt 7/24/01

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

In the Matter of the Accusation Against:

RICHARD DAVID LYNN

Respondent.

Case No. 2744

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
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RICHARD DAVID LYNN

Respondent.

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[Gov. Code §§ 11505 and 11506]

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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.

**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: RICHARD DAVID LYNN
Agency Case No. 2744

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.

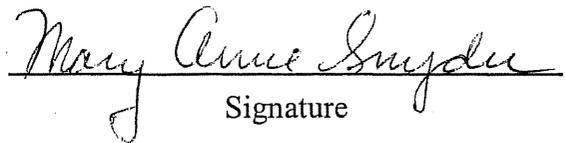
On March 23, 2004, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, 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:

RICHARD DAVID LYNN
2725 W. Wigwam #1069
Las Vegas, Nevada 89123
Respondent
Cert. Mail No. 7160 3901 9848 2213 8879

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 March 23, 2004, at Sacramento, California.

MARY ANNE SNYDER

Typed Name



Signature

cc: Patricia Harris, Bd. of Pharmacy



Nevada State Board of Pharmacy

555 DOUBLE EAGLE COURT • SUITE 1100 • RENO, NEVADA 89521-8991
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
E-mail: pharmacy@govmail.state.nv.us • Web Page: www.state.nv.us/pharmacy/

March 30, 2004

RE: Richard D. Lynn

To Whom It May Concern:

This letter is to acknowledge Rick Lynn for completion of his contract with PRN-PRN. Mr. Lynn voluntarily joined the PRN-PRN program in March 1999 after admitting to his employer that he had taken Naltrexone for his personal use without an order from a physician.

During Mr. Lynn's five years with the PRN-PRN program I received monthly reports from Larry Espadero, the PRN-PRN monitor, and all reports indicated that Mr. Lynn was in compliance with his PRN-PRN contract and all UA's given during his participation in the program were negative. He attended monthly PRN-PRN peer group meetings and all of his quarterly reports were noted that there were no issues with Mr. Lynn's participation.

Mr. Lynn's license has been returned to Active status and he is in good standing with the Nevada Board of Pharmacy. If anyone has questions or concerns regarding Mr. Lynn, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jeri L. Walter".

Jeri L. Walter
Board Coordinator

jlw



Nevada State Board of Pharmacy

555 DOUBLE EAGLE COURT • SUITE 1100 • RENO, NEVADA 89521-8991
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E-mail: pharmacy@govmail.state.nv.us • Web Page: www.state.nv.us/pharmacy/

March 30, 2004

Richard D. Lynn
2725 West Wigwam Avenue #1069
Las Vegas, NV 89123-6606

Dear Mr. Lynn:

The Board of Pharmacy has received notice from Larry Espadero, PRN-PRN monitor, that you have completed your PRN-PRN contract and have been released from further participation in the PRN-PRN program. That will conclude your probationary term with the Board of Pharmacy.

Enclosed is a certificate indicating your Active status. If you have any questions regarding this letter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Keith W. Macdonald".

Keith W. Macdonald
Executive Secretary

jlw

Enclosure