

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2562
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 JIMMY RAY JONES
3628 W. 115th Street
13 Inglewood, CA 90303
14 Pharmacy Technician License No. TCH 23390
15 Respondent.

Case No. 2789

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

16
17 FINDINGS OF FACT

18 1. On or about November 1, 2004, Complainant Patricia F. Harris, in her
19 official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 2789
20 against JIMMY RAY JONES (Respondent) before the Board of Pharmacy.

21 2. On or about July 31, 1997, the (Board) issued Pharmacy Technician
22 License No. TCH 23390 to Respondent. The pharmacy technician license was in full force and
23 effect at all times relevant to the charges brought herein and will expire on February 28, 2005,
24 unless renewed.

25 3. On or about November 10, 2004, Sylvia Reyes, an employee of the
26 Department of Justice, served by certified and first class mail a copy of the Accusation No. 2789,
27 Statement to Respondent, Notice of Defense, and Request for Discovery to Respondent's address
28 of record with the Board, which was, and is, 3628 W. 115th Street, Inglewood, CA 90303. A

1 copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit
2 A, and are incorporated herein by reference.

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

5 5. On or about November 24, 2004, the certified mail Domestic Return
6 Receipt was returned by the U.S. Postal Service signed by "JONES" and dated "11-18-04". A
7 copy of the receipt is attached hereto as Exhibit B, and is incorporated herein by reference.

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

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

13 7. Respondent failed to file a Notice of Defense within 15 days after service
14 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
15 Accusation No. 2789.

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

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

21 9. Pursuant to its authority under Government Code section 11520, the Board
22 finds Respondent is in default. The Board will take action without further hearing and, based on
23 Respondent's express admissions by way of default and the evidence before it contained in
24 Exhibits A, B and C, finds that the allegations in Accusation No. 2789 are true.

25 10. The total costs for investigation and enforcement are \$841.00 as of
26 December 15, 2004.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent JIMMY RAY JONES
3 has subjected his Pharmacy Technician License No. TCH 23390 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of
5 Service are attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board is authorized to revoke Respondent's Pharmacy Technician
8 License based upon the following violations alleged in the Accusation:

9 a. Respondent has subjected his license to discipline pursuant to
10 section 4300 for unprofessional conduct as defined in section 4301(1), and section 490 in
11 that Respondent was convicted of a crime substantially related to the qualifications,
12 functions, or duties of a pharmacist technician as defined by Title 16, California Code of
13 Regulations section 1770;

14 b. Respondent is subject to disciplinary action pursuant to section
15 4300 for unprofessional conduct as defined by section 4301(f) in that Respondent
16 committed an act involving moral turpitude, dishonesty, fraud, deceit or corruption;

17 c. Respondent has subjected his license to discipline pursuant to
18 section 4300 for unprofessional conduct as defined by section 4301(p) by committing an
19 act which would warrant denial of a license; and

20 d. Respondent has subjected his license to discipline pursuant to
21 section 4300 for unprofessional conduct as defined by sections 4301 (j) and (o) for
22 violating Pharmacy Law.

23 ORDER

24 IT IS SO ORDERED that Pharmacy Technician License No. TCH 23390,
25 heretofore issued to Respondent JIMMY RAY JONES, is revoked.

26 Pursuant to Government Code section 11520, subdivision (c), Respondent may
27 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
28 within seven (7) days after service of the Decision on Respondent. The agency in its discretion


1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on March 31, 2005.

4 It is so ORDERED March 1, 2005

5 BOARD OF PHARMACY
6 DEPARTMENT OF CONSUMER AFFAIRS
7 STATE OF CALIFORNIA

8 Jones.def.dec.50013962.wpd
9 DOJ docket number:LA2004601416

By 
STANLEY W. GOLDENBERG
Board President

10 Attachments:

- 11 Exhibit A: Accusation No.2789, Related Documents, and Declaration of Service
- 12 Exhibit B: Postal Return Documents
- 13 Exhibit C: Declaration of Costs

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Exhibit A
Accusation No. 2789,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
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3 California Department of Justice
300 So. Spring Street, Suite 1702
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BOARD OF PHARMACY
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12 JIMMY RAY JONES
3628 W. 115th Street
13 Inglewood, CA 90303
14 Pharmacy Technician License No. TCH 23390
15 Respondent.

Case No. 2789
OAH No.
ACCUSATION

16
17 Complainant alleges:

18 PARTIES

- 19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs.
22 2. On or about July 31, 1997, the Board of Pharmacy issued Pharmacy
23 Technician No. TCH 23390 to Jimmy Ray Jones (Respondent). The license was in full force and
24 effect at all times relevant to the charges brought herein and will expire on February 28, 2005,
25 unless renewed.

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JURISDICTION

1
2 3. This Accusation is brought before the Board, Department of Consumer
3 Affairs, under the authority of the following laws. All section references are to the Business and
4 Professions Code unless otherwise indicated.

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

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

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

14

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

17

18 "(l) The conviction of a crime substantially related to the qualifications, functions,
19 and duties of a licensee under this chapter. The record of conviction of shall be conclusive
20 evidence only of the fact that the conviction occurred.

21

22 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or
23 abetting the violation of or conspiring to violate any provision or term of Chapter 9 (commencing
24 with Section 4000) of the Business and Professions Code or of the applicable federal and state
25 laws and regulations governing pharmacy, including regulations established by the Board.

26 "(p) Actions or conduct that would have warranted denial of a license."

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1 a. On or about February 10, 2004, Respondent was convicted on a plea of
2 nolo contendere to one count of violating section 11359 of the Health & Safety Code (possession
3 of marijuana for sale - a felony) in the State of California, County of Los Angeles, Inglewood
4 Municipal Court, case no. YA055562 entitled *The People of The State of California v. Jimmy*
5 *Ray Jones*.

6 b. The circumstances surrounding the conviction are that on or about June
7 30, 2003, Respondent willfully and unlawfully had in his possession numerous clear plastic bags
8 and four bags containing a green leafy substance resembling marijuana and two small scales,
9 used to weigh small quantities of marijuana for sale.

10 **SECOND CAUSE FOR DISCIPLINE**

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

12 11. Respondent is subject to disciplinary action pursuant to sections 4300 and
13 for unprofessional conduct as defined by 4301(f) for unprofessional conduct in that Respondent
14 committed an act involving moral turpitude, dishonesty, fraud, deceit or corruption as described
15 above in paragraph 10.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Action Warranting Denial of License)**

18 12. Respondent has subjected his license to discipline pursuant to section 4300
19 for unprofessional conduct as defined by section 4301(p) for unprofessional conduct by
20 committing an act which would warrant denial of a license as described above in paragraph 10.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Violating the Pharmacy Law)**

23 13. Respondent has subjected his license to discipline pursuant to section 4300
24 as defined by sections 4301 (j) and (o) for unprofessional conduct for violating Pharmacy Law as
25 described above in paragraph 10.

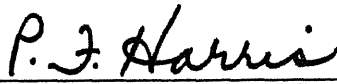
26 **PRAYER**

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

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1. Revoking or suspending Pharmacy Technician No. TCH 23390, issued to Jimmy Ray Jones.
2. Ordering Jimmy Ray Jones to pay the Board of Pharmacy 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: 11/1/04



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

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
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7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2789

12 JIMMY RAY JONES

STATEMENT TO RESPONDENT

13 Respondent.

[Gov. Code §§ 11504, 11505(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 of Pharmacy within fifteen (15) days after a copy of the Accusation was
20 personally served on you or mailed to you, you will be deemed to have waived your right to a
21 hearing in this matter and the Board may proceed upon the Accusation without a hearing and
22 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 **Lorrie M. Yost**
27 **Deputy Attorney General**
28 **Ronald Reagan Building**
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013

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, 320 West Fourth Street, Suite 630, Los
12 Angeles, California 90013, within ten (10) working days after you discover the good cause.
13 Failure to 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

1 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the
2 Board's Disciplinary Guidelines will be provided to you on your written request to the state
3 agency bringing this action.

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 Lorrie M. Yost at the earliest opportunity.

7 *****

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1 BILL LOCKYER, Attorney General
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2 LORRIE M. YOST, State Bar No. 119088
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10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 JIMMY RAY JONES

12 Respondent.

Case No. 2789

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

14 TO RESPONDENT:

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

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

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


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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: 11-10-04

BILL LOCKYER, Attorney General
of the State of California



LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

60069437.wpd

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

In the Matter of the Accusation Against:

JIMMY RAY JONES

Respondent.

Case No. 2789

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:

JIMMY RAY JONES

Respondent.

Case No. 2789

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.

**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)

Case Name: **Accusation Against: Jimmy Ray Jones**

Case No.: **2789**

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 November 10, 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 Los Angeles, addressed as follows:

Jimmy Ray Jones
3628 W. 115th Street
Inglewood, CA 90303

Certified Article Number

7160 3901 9848 5608 5378

SENDERS RECORD

Certified No. 7160 3901 9848 5608 5378

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 November 10, 2004, at Los Angeles, California.

S. REYES

Declarant

S. Reyes

Signature

7160 3901 9848 5608 5378

TO: Jimmy Ray Jones
3628 W. 115th Street
Inglewood, CA 90303

SENDER: Lorrie M. Yost, DAG

REFERENCE: Jimmy Ray Jones

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

<p>US Postal Service</p> <p>Receipt for Certified Mail</p> <p>No Insurance Coverage Provided Do Not Use for International Mail</p>	<p>POSTMARK OR DATE</p>
---	-------------------------

Exhibit B
Postal Return Documents

2. Article Number



7160 3901 9848 5608 5378

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Jimmy Ray Jones
3628 W. 115th Street
Inglewood, CA 90303

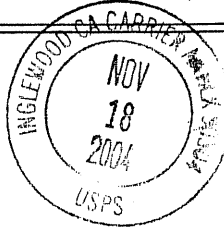
Jimmy Ray Jones

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **JONES** B. Date of Delivery **11-18-04**

C. Signature **X** *Jimmy Ray Jones* Agent Addressee

D. Is delivery address different from Item 1? Yes No
If YES, enter delivery address below:



Lorrie M. Yost, DAG

Exhibit C
Declaration of Costs

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2562
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2789

12 JIMMY RAY JONES

**CERTIFICATION OF COSTS:
DECLARATION OF LORRIE M.
YOST**

13 Respondent.

[Business and Professions Code section
125.3]

14
15
16
17 I, LORRIE M. YOST, hereby declare and certify as follows:

18 1. I am a Deputy Attorney General employed by the California Department of
19 Justice (DOJ), Office of the Attorney General (Office). I am assigned to the Licensing Section in
20 the Civil Division of the Office. I have been designated as the representative to certify the costs
21 of prosecution by DOJ and incurred by the Board of Pharmacy in this case. I make this
22 certification in my official capacity and as an officer of the court.

23 2. I represent the Complainant, Patricia F. Harris, Executive Officer of the
24 Board of Pharmacy, in this action. I was assigned to handle this case on or around August 2,
25 2004.

26 3. As the Deputy Attorney General assigned to handle this case, I performed
27 a wide variety of tasks that were necessary for the prosecution of this matter, including, but not
28 limited to (1) conducting an initial case evaluation; (2) obtaining, reading and reviewing the

1 investigative material, as needed; (3) drafting pleadings, correspondence, memoranda, and other
2 case-related documents; and (4) consulting and/or meeting with colleague deputies, supervisory
3 staff, experts, client staff, and investigators.

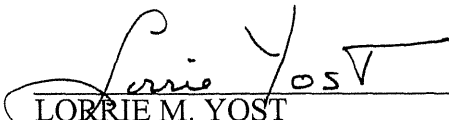
4 4. I am personally familiar with the time recording and billing practices of
5 DOJ and the procedure for charging the client agency for the reasonable and necessary work
6 performed on a particular case. Whenever work is performed on a case, it is the duty of the
7 employee to keep track of the time spent and to report that time on DOJ time sheets at or near the
8 time of the tasks performed. Based upon the time reported through January 31, 2005, DOJ has
9 billed or will bill the Board for the following amount of time spent working on the above entitled
10 case.

11	Employee/ 12 <u>Position</u>	Fiscal 13 <u>Year</u>	No. of 14 <u>Hours</u>	Hourly 15 <u>Rate</u>	Total 16 <u>Charges</u>
13	Lorrie M. Yost	2004 - 2005	4.25	\$139.00	\$590.75
14	Deputy Attorney General				
15	Consuelo Lira	2004-2005	2.75	\$91.00	\$250.25
16	Legal Assistant				
17					TOTAL: \$841.00

18 5. To the best of my knowledge the items of cost set forth in this certification
19 are correct and were necessarily incurred in this case.

20 I certify under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct.

22 Executed on Jan. 31, 2005, in the City of Los Angeles, California.

23
24
25 
26 LORRIE M. YOST
Deputy Attorney General
27 Declarant