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

In the Matter of the Accusation Against:  
  
LORI MICHELLE CURIEL  
18207 Vanness Ave.  
Torrance, CA 90504  
  
Technician Registration No. TCH 52257,  
  
Respondent.

Case No. 2818  
  
OAH No.  
  
**DEFAULT DECISION  
AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 18, 2005, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), filed Accusation No. 2818 against Lori Michelle Curiel (Respondent) before the Board.
2. On or about October 30, 2003, the Board issued Technician Registration No. TCH 52257 to Respondent. The registration was in full force and effect at all times relevant to the charges brought herein and expired on December 31, 2004.
3. On or about January 27, 2005, Rebeca Garcia, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2818, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,

1 which was and is 18207 Vanness Ave. (Van Ness), Torrance, CA 90504. A copy of the  
2 Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are  
3 incorporated herein by reference.

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

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

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

11 6. Respondent failed to file a Notice of Defense within 15 days after service  
12 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
13 Accusation No. 2818.

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

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

19 8. Pursuant to its authority under Government Code section 11520, the Board  
20 finds Respondent is in default. The Board will take action without further hearing and, based on  
21 Respondent's express admissions by way of default and the evidence before it, contained in  
22 exhibits A and B finds that the allegations in Accusation No. 2818 are true.

23 9. The total costs for investigation and enforcement are \$1,278.25 as of  
24 March 24, 2005.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Lori Michelle Curiel  
27 has subjected her Technician Registration No. TCH 52257 to discipline.

28 2. A copy of the Accusation and the related documents and Declaration of

1 Service are attached.

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

3 4. The Board of Pharmacy is authorized to revoke Respondent's Technician  
4 Registration No. based upon the following violations alleged in the Accusation:

5 a. Business and Professions Code section 4301, subdivision (l), for  
6 unprofessional conduct, the conviction of a crime substantially related to  
7 the qualifications, functions and duties of a licensee.

8 ORDER

9 IT IS SO ORDERED that Technician Registration No. TCH 52257, heretofore  
10 issued to Respondent Lori Michelle Curiel, is revoked.

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

16 This Decision shall become effective on June 3, 2005.

17 It is so ORDERED May 4, 2005

18  
19 BOARD OF PHARMACY  
20 DEPARTMENT OF CONSUMER AFFAIRS  
21 STATE OF CALIFORNIA

22 By 

23 STANLEY W. GOLDENBERG  
24 Board President

25  
26 50027526.wpd

3/28/05 - lbf

27 DOJ docket number: LA2004602201

Attachment:

28 Exhibit A: Accusation No. 2818

Exhibit A  
Accusation No. 2818

1 BILL LOCKYER, Attorney General  
of the State of California  
2 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
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. 2818

12 LORI MICHELLE CURIEL,

**STATEMENT TO RESPONDENT**

13 Respondent.

[Gov. Code §§ 11504, 11505(b)]

14  
15  
16 TO RESPONDENT:

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

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

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

27 ///

28 ///

1                   **Kimberlee D. King**  
2                   **Deputy Attorney General**  
3                   **Ronald Reagan Building**  
4                   **300 South Spring Street, Suite 1702**  
5                   **Los Angeles, CA 90013.**

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

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

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

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

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

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

26                   **NOTICE REGARDING STIPULATED SETTLEMENTS**

27                   It may be possible to avoid the time, expense and uncertainties involved in an  
28 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated  
settlement is a binding written agreement between you and the government regarding the matters  
charged and the discipline to be imposed. Such a stipulation would have to be approved by the

1 Board of Pharmacy but, once approved, it would be incorporated into a final order.

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

6 If you are interested in pursuing this alternative to a formal administrative hearing,  
7 or if you have any questions, you or your attorney should contact Deputy Attorney General  
8 Kimberlee D. King at the earliest opportunity.

9 \*\*\*\*\*

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1 BILL LOCKYER, Attorney General  
of the State of California  
2 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
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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. 2818

12 LORI MICHELLE CURIEL  
18207 Vanness Ave.  
13 Torrance, CA 90504

**A C C U S A T I O N**

14 Technician Registration No. TCH 52257,

15 Respondent.

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, Department of Consumer  
21 Affairs.

22 2. On or about October 30, 2003, the Board of Pharmacy issued Technician  
23 Registration No. TCH 52257 to Lori Michelle Curiel (Respondent). The Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 December 31, 2004, unless renewed.

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JURISDICTION

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

4. Section 118, subdivision (b), states:

“The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board of by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

5. Section 4300 of the Code permits the Board to take disciplinary action to suspend or revoke a license issued by the Board.

6. Section 4301 of the Code states:

“The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

....

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

....

///

1                   “(l) The conviction of a crime substantially related to the qualifications, functions,  
2 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
4 substances or of a violation of the statutes of this state regulating controlled substances or  
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
6 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
7 The board may inquire into the circumstances surrounding the commission of the crime, in order  
8 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
9 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
10 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty  
11 or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
12 meaning of this provision. The board may take action when the time for appeal has elapsed, or  
13 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
14 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
15 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
16 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
17 or indictment.

18                   .....

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

23                   “(p) Actions or conduct that would have warranted denial of a license.”

24                   7.       Section 4060 of the Code states:

25                   “No person shall possess any controlled substance, except that furnished to a  
26 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished  
27 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse  
28 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This

1 section shall not apply to the possession of any controlled substance by a manufacturer,  
2 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse  
3 practitioner, or physician assistant, when in stock in containers correctly labeled with the name  
4 and address of the supplier or producer.

5 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,  
6 or a physician assistant to order his or her own stock of dangerous drugs and devices."

7 8. Section 490 of the Code states:

8 "A board may suspend or revoke a license on the ground that the licensee has  
9 been convicted of a crime, if the crime is substantially related to the qualifications,  
10 functions, or duties of the business or profession for which the license was issued. A  
11 conviction within the meaning of this section means a plea or verdict of guilty or a  
12 conviction following a plea of nolo contendere. Any action which a board is permitted to  
13 take following the establishment of a conviction may be taken when the time for appeal  
14 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
15 granting probation is made suspending the imposition of sentence, irrespective of a  
16 subsequent order under the provisions of Section 1203.4 of the Penal Code."

17 9. California Code of Regulations, title 16, section 1770 states that for the  
18 purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division  
19 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be  
20 considered substantially related to the qualifications, functions or duties of a licensee or  
21 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or  
22 registrant to perform the functions authorized by his license or registration in a manner consistent  
23 with the public health, safety, or welfare.

24 10. Health and Safety Code section 11170 provides: "no person shall  
25 prescribe, administer, or furnish a controlled substance for himself."

26 11. Health and Safety Code section 11173, subdivision (a) provides: "no  
27 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure  
28 the administration of or prescription for controlled substances, (1) by fraud, deceit,

1 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”

2 12. Section 125.3, subdivision (a), states, in pertinent part:

3 "Except as otherwise provided by law, in any order issued in resolution of a  
4 disciplinary proceeding before any board within the department . . . the board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations  
6 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case."

8 13. CONTROLLED SUBSTANCES

9 A. "Ambien", a generic name for zolpidem tartrate, a nonbarbiturate  
10 hypnotic, is a Schedule IV controlled substance as designated by Health and Safety Code section  
11 11057(d)(32) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

12 B. "Vicodin", a combination drug containing hydrocodone bitartrate and  
13 acetaminophen, is a Schedule III controlled substance is a Schedule III controlled substance as  
14 defined in Health and Safety Code section 11056(e)(4) and is categorized as a dangerous drugs  
15 according to Business and Professions Code section 4022.

16 C. "Xanax", a brand name for alprazolam, is an anti-anxiety benzodiazepin  
17 and is a Schedule IV controlled substance as designated by Health and Safety Code section  
18 11057(d)(1) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

19 FIRST CAUSE FOR DISCIPLINE

20 (Conviction of a crime)

21 14. Respondent is subject to disciplinary action under sections 4300 and  
22 4301, subdivision (l), on the grounds of unprofessional conduct in conjunction with section 490  
23 of the Code as defined in California Code of Regulations, title 16, section 1770 in that  
24 Respondent was convicted of a crime substantially related to the qualifications, functions, or  
25 duties of a pharmacy technician. The circumstances are as follows:

26 a. On or about March 19, 2004, Respondent was convicted on a plea of guilty  
27 to one count of violating Penal Code section 602, a misdemeanor, (trespassing), in the Superior  
28 Court of California, County of Los Angeles, Case No. 4SB01845, entitled *The People of the*

1 *State of California v. Lori Michelle Curiel.*

2 b. The circumstance surrounding the conviction is that on or about February  
3 9, 2004, while on duty as a pharmacy technician at Walgreens Pharmacy, Respondent took  
4 controlled substances without a prescription.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Obtained Controlled Substances by Fraud or Deceit)

7 15. Respondent is subject to disciplinary action under sections 4300 and 4301,  
8 subdivisions (f), (j) and (o) on the grounds of unprofessional conduct for violating Health and  
9 Safety Code section 11173 in that while on duty as a pharmacy technician at Walgreens  
10 Pharmacy, Respondent obtained controlled substances by fraud, deceit, misrepresentation, or  
11 subterfuge, as follows:

12 a. On or about February 9, 2004, a co-worker at Walgreens Pharmacy  
13 observed Respondent taking prescription drugs from a medication bottle and putting them into  
14 her coat pocket.

15 b. On February 9, 2004, during an interview with the arresting officer,  
16 Respondent admitted that from about January 5, 2004 through about February 9, 2004, she had  
17 been stealing prescription drugs from Walgreens for her personal use. She admitted to taking  
18 Vicodin ES 7.5/750 mg. Acetaminophen and Alprazolam 1mg. tablets.

19 **THIRD CAUSE FOR DISCIPLINE**

20 (Possession of Controlled Substances)

21 16. Respondent is subject to disciplinary action under sections 4300 and 4301,  
22 subdivisions (f), (j) and (o) on the grounds of unprofessional conduct for violating section 4060  
23 in that Respondent was in possession of controlled substances. The circumstances are as  
24 follows:

25 a. On or about February 9, 2004, Respondent was found in possession of  
26 controlled substances without a prescription. Respondent had one Alprazolam tablet and three  
27 Ambien tablets in her possession.

28 ///

1 FOURTH CAUSE FOR DISCIPLINE

2 (Administer or Furnish Controlled Substances to Oneself)

3 17. Respondent is subject to disciplinary action under sections 4300 and 4301,  
4 subdivisions (j), (o) and (p) on the grounds of unprofessional conduct for violating Health and  
5 Safety Code section 11170 in that from about January 5, 2004 through about February 9, 2004,  
6 Respondent administered controlled substances to herself, as more fully set forth in paragraph 15.

7 PRAYER

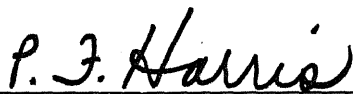
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

10 1. Revoking or suspending Technician Registration No. TCH 52257, issued  
11 to Lori Michelle Curiel.

12 2. Ordering Lori Michelle Curiel to pay the Board of Pharmacy the  
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
14 Professions Code section 125.3;

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

16 DATED: 1/18/05

17  
18   
19 PATRICIA F. HARRIS  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant  
25  
26

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

In the Matter of the Accusation Against:

LORI MICHELLE CURIEL,

Respondent.

Case No. 2818

**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:

LORI MICHELLE CURIEL,

Respondent.

Case No. 2818

**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.



1 BILL LOCKYER, Attorney General  
of the State of California  
2 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
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. 2818

12 LORI MICHELLE CURIEL,

**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 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  
28 omission of the Respondent as to this person is the basis for the administrative

1 proceeding;

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

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

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

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

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

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

23 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for  
24 Discovery should be deemed to authorize the inspection or copying of any writing or thing which  
25 is privileged from disclosure by law or otherwise made confidential or protected as attorney's  
26 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: January 27, 2005

BILL LOCKYER, Attorney General  
of the State of California

Kimberlee King  
KIMBERLEE D. KING  
Deputy Attorney General

Attorneys for Complainant

50014823.wpd

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

**SECTION 11507.5: Exclusivity of discovery provisions**

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

**SECTION 11507.6: Request for discovery**

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

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

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

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

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

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

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

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

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

**SECTION 11507.7: Petition to compel discovery; Order; Sanctions**

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

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

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

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

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

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

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

Case Name: **LORI MICHELLE CURIEL**

Case No.: **2818**

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 January 27, 2005, I served the attached **STATEMENT OF ACCUSATION; NOTICE OF DEFENSE (2); REQUEST FOR DISCOVERY STATUTES** by placing a true copy thereof in certified mail with postage thereon fully prepaid and returned copy of the **STATEMENT TO RESPONDENT; ACCUSATION (2); REQUEST FOR DISCOVERY; DISCOVERY STATUTES** in a sealed envelope as first class mail with postage thereon fully prepaid in the collection system at the Office of the Attorney General.

Lori Michelle Curiel  
 18207 Vanness (Van Ness) Ave.  
 Torrance, CA 90504

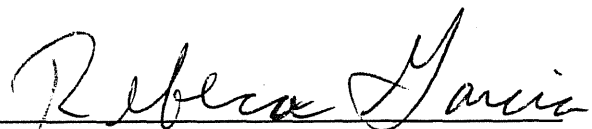
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 7001 2510 0009 2265 0714

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Total Postage & Fees	\$
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Street, Apt. No.; or PO Box No.	Lori Michelle Curiel 18207 Vanness (Van Ness) Ave.
City, State, ZIP+4	Torrance, CA 90504
PS Form 3800, January 2001	
See Reverse for Instructions	

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 January 27, 2005, at Los Angeles, California.

Rebeca Garcia

Declarant



Signature