BILL LOCKYER, Attorney General
of the State of California
EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2536
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: **PAUL WRAY DESCOMBES A.K.A. PAUL WRAY DES COMBES** 23442 Mobile Street West Hills, CA 91307 Pharmacy Technician Registration No. TCH 22193 Respondent.	Case No. 2870 OAH No. **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 22, 2006, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 2870 against Paul Wray Descombes a.k.a. Paul Wray Des Combes (Respondent) before the Board of Pharmacy.

2. On or about May 12, 1997, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 22193 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein but is currently under suspension pursuant to Business and Professions Code Section 4311(a), by order of the Board of Pharmacy dated July 25, 2005, and will expire on May 31, 2007, unless renewed.

3. On or about March 9, 2006, Rebeca Garcia, an employee of the Department of Justice, served by First Class Mail a copy of the Accusation No. 2870, Statement

to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 23442 Mobile Street, West Hills, CA 91307. A copy of the Accusation, the related documents, and Declaration of Service by certified and regular mail are attached as exhibit A, and are incorporated herein by reference.

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

5. At various times following service of the Accusation and related documents, Respondent contacted counsel for complainant regarding the accusation and was informed of his right to a hearing on the charges and allegations in the Accusation, should he wish to request one. In each instance Respondent declined to send in a notice of defense and finally, on or about April 4, 2006 he filed a written statement, but again declined to file a Notice of Defense requesting a hearing. A copy of the statement filed by Respondent, together with two certificates evidencing completion of Phase III and Final completion of the AMEND therapeutic program at CRC is attached here to as exhibit B, and is received and considered by the Board..

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

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

7. Despite having been given repeated opportunities to do so, Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2870.

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

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

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it in the form of investigation reports from Board analyst Kim Madsen, which include the police reports, probation and sentencing report and certified court documents for three substantially related criminal convictions alleged in the accusation.; all of which are contained in exhibits A, B and C.

10. Based upon the foregoing, the Board finds that the allegations in Accusation No. 2870 are true.

11. The total costs for investigation and enforcement are $4,475.00 as of July 18, 2006.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Paul Wray Descombes a.k.a. Paul Wray Des Combes has subjected his Pharmacy Technician Registration No. TCH 22193 to discipline.

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

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

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are found to be true:

a. Respondent is subject to disciplinary action under sections 4300, 490 and 4301, subdivision (l) of the Business and Professions Code, on the grounds of unprofessional conduct as defined in California Code of Regulations, title 16, section 1770, in that Respondent was convicted of crimes substantially related to the qualifications, duties and functions of a pharmacy technician on three separate occasions, as follows:

1. RAPE-OBJECT-VICTIM UNCONSCIOUS - FELONY

On or about October 26, 2004, in a criminal proceeding *entitled*

The People of the State of California v. Paul Wray Descombes in Los Angeles County Superior Court, Case No. LA045964, Respondent was convicted on his plea of *nolo contendere* for violating Penal Code section 289(d) (rape-object-victim unconscious), a felony. Respondent was ordered to three years in state prison with fines and penalties, and register as a sex offender. Respondent is a registered sex offender

2. LEWD / OBSCENE CONDUCT - MISDEMEANOR

On or about February 11, 2003, in a criminal proceeding *entitled The People of the State of California v. Paul Descombes* in Los Angeles County Superior Court, Case No. 2PN05816, Respondent was convicted on his plea of *nolo contendere* for violating Penal Code section 314 (lewd or obscene conduct - indecent exposure - obscene exhibitions), a misdemeanor.

3. WILLFUL HARM OR INJURY TO CHILD - MISDEMEANOR BATTERY - MISDEMEANOR

On or about September 10, 2001, in a criminal proceeding *entitled The People of the State of California v. Paul W. Descombes* in Los Angeles County Superior Court, Case No. 0PN05524, Respondent was convicted on his plea of *nolo contendere* for violating Penal Code section 273a(b) (willful harm or injury to child), a misdemeanor, and Penal Code section 242 (battery), a misdemeanor

b. Respondent is subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud and deceit, by reason of the criminal convictions established in this decision which are found to be substantially related to the qualifications,

functions and duties of a Pharmacy Technician, and that as a result of his convictions, Respondent is a State of California registered sex offender.

c. Respondent is further subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivision (p), on the grounds of unprofessional conduct, in conjunction with section 475, subdivisions (a)(2), (a)(3) and (a)(4), in that Respondent committed acts which would warrant denial of licensure by reason of the criminal convictions established in this decision.

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 22193, heretofore issued to Respondent Paul Wray Descombes a.k.a. Paul Wray Des Combes, is revoked.

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

This Decision shall become effective on December 8, 2006.

It is so ORDERED November 8, 2006

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By William Powers
WILLIAM POWERS
Board President

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DOJ docket number:LA2005600370

Attachments:
Exhibit A: Accusation No.2870, Related Documents, and Declaration of Service
Exhibit B: Respondent's Statement
Exhibit C: Evidence Packet

Exhibit A

Accusation No. 2870,
Related Documents and Declaration of Service

BILL LOCKYER, Attorney General
of the State of California
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Attorneys for Complainant

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

In the Matter of the Accusation Against: PAUL WRAY DESCOMBES a.k.a. PAUL WRAY DES COMBES 23442 Mobile Street West Hills, CA 91307 Pharmacy Technician Registration No. TCH 22193 Respondent.	Case No. 2870 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about May 12, 1997, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 22193 to Paul Wray Descombes a.k.a. Paul Wray Des Combes (Respondent). On or about July 25, 2005, the license was suspended pursuant to a Notice of Automatic Suspension of License pursuant to Business and Professions Code section 4311(a) due to Respondent's incarceration on or about October 26, 2004 for a felony conviction for violation of Penal Code section 289(d) (sexual penetration/foreign object/victim unaware) in Los Angeles County Superior Court, Case Number LA 045964. The Pharmacy Technician Registration will

expire on May 31, 2007, unless renewed.

JURISDICTION

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

4. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."

5. Section 118, subdivision (b), provides that the suspension / expiration / surrender / cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 475 states, in pertinent part:

"(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

. . . .

"(2) Conviction of a crime.

"(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

"(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license. . . ."

7. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition

of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

8. Section 4301 states, in pertinent part:

"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.

. . . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . .

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

9. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

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

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FIRST CAUSE FOR DISCIPLINE

(Convictions of Crimes)

11. Respondent is subject to disciplinary action under sections 4300, 490 and 4301, subdivision (l), on the grounds of unprofessional conduct as defined in California Code of Regulations, title 16, section 1770, in that Respondent was convicted of crimes substantially related to the qualifications, duties and functions of a pharmacy technician, as follows:

a. RAPE-OBJECT-VICTIM UNCONSCIOUS - FELONY

On or about October 26, 2004, in a criminal proceeding *entitled The People of the State of California v. Paul Wray Descombes* in Los Angeles County Superior Court, Case No. LA045964, Respondent was convicted on his plea of *nolo contendere* for violating Penal Code section 289(d) (rape-object-victim unconscious), a felony. Respondent was ordered to three years in state prison with fines and penalties, and register as a sex offender. Respondent is a registered sex offender.

The circumstances surrounding the conviction are that on or about May 17, 2004, a female victim became intoxicated at Respondent's home and used his home as refuge to sleep in a separate room from Respondent. Respondent caused the female victim to awake the next morning feeling discomfort to her vagina. The victim filed a complaint of rape against Respondent with the Los Angeles Police Department. The victim was subject of a medical exam and rape kit evidence recovery. On or about May 18, 2004, Respondent was arrested by Los Angeles Police Department Officers.

b. LEWD / OBSCENE CONDUCT - MISDEMEANOR

On or about February 11, 2003, in a criminal proceeding *entitled The People of the State of California v. Paul Descombes* in Los Angeles County Superior Court, Case No. 2PN05816, Respondent was convicted on his plea of *nolo contendere* for violating Penal Code section 314 (lewd or obscene conduct - indecent exposure - obscene exhibitions), a misdemeanor.

The circumstances surrounding the conviction are that on or about October 14, 2002, Respondent engaged in lewd and dissolute conduct in a public place in the presence of a

child under the age of 18.

c. WILLFUL HARM OR INJURY TO CHILD - MISDEMEANOR

BATTERY - MISDEMEANOR

On or about September 10, 2001, in a criminal proceeding *entitled The People of the State of California v. Paul W. Descombes* in Los Angeles County Superior Court, Case No. 0PN05524, Respondent was convicted on his plea of *nolo contendere* for violating Penal Code section 273a(b) (willful harm or injury to child), a misdemeanor, and Penal Code section 242 (battery), a misdemeanor.

The circumstances surrounding the conviction are that on or about October 15, 2000, Respondent willfully and unlawfully touched an intimate part of another.

SECOND CAUSE FOR DISCIPLINE

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

12. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud and deceit, as set forth above in paragraph 11, and specifically to note, that Respondent is a state of California registered sex offender.

THIRD CAUSE FOR DISCIPLINE

(Acts Warranting Denial of Licensure)

13. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (p), on the grounds of unprofessional conduct, in conjunction with section 475, subdivisions (a)(2), (a)(3) and (a)(4), in that Respondent committed acts which would warrant denial of licensure as set forth above in paragraphs 11 and 12.

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 22193, issued to Paul Wray Descombes a.k.a. Paul Wray Des Combes Paul Wray Descombes.

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2. Ordering Paul Wray Descombes 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: 2/22/06

P. F. Harris

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

Complainant

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BILL LOCKYER, Attorney General
of the State of California
EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2536
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: PAUL WRAY DESCOMBES A.K.A. PAUL WRAY DES COMBES, Respondent.	Case No. 2870 **STATEMENT TO RESPONDENT** [Gov. Code §§ 11504, 11505(b)]

TO RESPONDENT:

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

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

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

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Earl R. Plowman
Deputy Attorney General
Ronald Reagan Building
300 South Spring Street, Suite 1702
Los Angeles, CA 90013.

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

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

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

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

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

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

NOTICE REGARDING STIPULATED SETTLEMENTS

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

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

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

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

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

In the Matter of the Accusation Against: PAUL WRAY DESCOMBES A.K.A. PAUL WRAY DES COMBES, Respondent.	Case No. 2870 **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 do not consent to electronic reporting.

The hearing in this case will be electronically reported/recorded, unless you check the above-left box to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearing and on counsel for Complainant by fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

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

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

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

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

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BILL LOCKYER, Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 2870
PAUL WRAY DESCOMBES A.K.A. PAUL WRAY DES COMBES, Respondent.	**REQUEST FOR DISCOVERY** [Gov. Code § 11507.6]

TO RESPONDENT:

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

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

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

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

a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or

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

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

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

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

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

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

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

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

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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: March 10, 2006

BILL LOCKYER, Attorney General
of the ~~State of~~ California

EARL R. PLOWMAN
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against: PAUL WRAY DESCOMBES A.K.A. PAUL WRAY DES COMBES, Respondent.	Case No. 2870 **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 do not consent to electronic reporting.

The hearing in this case will be electronically reported/recorded, unless you check the above-left box to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearing and on counsel for Complainant by fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

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

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

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

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

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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: **Paul Wray Descombes**

Case No.: **2870**

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 9, 2006, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; NOTICE OF DEFENSE (2); REQUEST FOR DISCOVERY; 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 **STATEMENT TO RESPONDENT; ACCUSATION; NOTICE OF DEFENSE (2); REQUEST FOR DISCOVERY; DISCOVERY STATUTES** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Paul Wray Descombes
23442 Mobile Street
West Hills, CA 91307

CERTIFIED MAIL NO.
7001 0360 0003 2704 4685

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 9, 2006, at Los Angeles, California.

Rebeca Garcia
Declarant

Rebeca Garcia
Signature

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