

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

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

11 **PAUL WRAY DESCOMBES A.K.A. PAUL**
12 **WRAY DES COMBES**
13 23442 Mobile Street
West Hills, CA 91307

14 Pharmacy Technician Registration No. TCH
22193

15
16 Respondent.

Case No. 2870

OAH No.

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

17 **FINDINGS OF FACT**

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

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

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

1 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
2 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and
3 is 23442 Mobile Street, West Hills, CA 91307. A copy of the Accusation, the related
4 documents, and Declaration of Service by certified and regular mail are attached as exhibit A,
5 and are incorporated herein by reference.

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

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

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

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
Board President

60152149.wpd
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

1 BILL LOCKYER, Attorney General
of the State of California
2 EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2536
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. 2870

12 PAUL WRAY DESCOMBES
a.k.a. PAUL WRAY DES COMBES
13 23442 Mobile Street
West Hills, CA 91307

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 22193

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 (Board).

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

1 expire on May 31, 2007, unless renewed.

2 JURISDICTION

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

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

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

12 6. Section 475 states, in pertinent part:

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

15

16 “(2) Conviction of a crime.

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

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

21 7. Section 490 states:

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

1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
2 Penal Code.”

3 8. Section 4301 states, in pertinent part:

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

8

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

12

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

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

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

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

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

27 ///

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Convictions of Crimes)

3 11. Respondent is subject to disciplinary action under sections 4300, 490 and
4 4301, subdivision (l), on the grounds of unprofessional conduct as defined in California Code of
5 Regulations, title 16, section 1770, in that Respondent was convicted of crimes substantially
6 related to the qualifications, duties and functions of a pharmacy technician, as follows:

7 a. RAPE-OBJECT-VICTIM UNCONSCIOUS - FELONY

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

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

21 b. LEWD / OBSCENE CONDUCT - MISDEMEANOR

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

27 The circumstances surrounding the conviction are that on or about October 14,
28 2002, Respondent engaged in lewd and dissolute conduct in a public place in the presence of a

1 child under the age of 18.

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

4 On or about September 10, 2001, in a criminal proceeding *entitled The People of*
5 *the State of California v. Paul W. Descombes* in Los Angeles County Superior Court, Case
6 No. 0PN05524, Respondent was convicted on his plea of *nolo contendere* for violating Penal
7 Code section 273a(b) (willful harm or injury to child), a misdemeanor, and Penal Code section
8 242 (battery), a misdemeanor.

9 The circumstances surrounding the conviction are that on or about October 15,
10 2000, Respondent willfully and unlawfully touched an intimate part of another.

11 SECOND CAUSE FOR DISCIPLINE

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

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

17 THIRD CAUSE FOR DISCIPLINE

18 (Acts Warranting Denial of Licensure)

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

23 PRAYER

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

26 1. Revoking or suspending Pharmacy Technician Registration No. TCH
27 22193, issued to Paul Wray Descombes a.k.a. Paul Wray Des Combes Paul Wray Descombes.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. J. Harris
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 EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2536
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. 2870

12 PAUL WRAY DESCOMBES A.K.A. PAUL
WRAY DES COMBES,

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

13
14 Respondent.

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 Earl R. Plowman, within fifteen
21 (15) days after a copy of the Accusation was personally served on you or mailed to you, you will
22 be deemed to have waived your right to a hearing in this matter and the Board may proceed upon
23 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 **Earl R. Plowman**
2 **Deputy Attorney General**
3 **Ronald Reagan Building**
 300 South Spring Street, Suite 1702
 Los Angeles, CA 90013.

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

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

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

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

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

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

24 **NOTICE REGARDING STIPULATED SETTLEMENTS**

25 It may be possible to avoid the time, expense and uncertainties involved in an
26 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
27 settlement is a binding written agreement between you and the government regarding the matters
28 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 Earl
8 R. Plowman at the earliest opportunity.

9 *****

10 LA2005600370
11 60131518.wpd

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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.

60131518.wpd

1 BILL LOCKYER, Attorney General
of the State of California
2 EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2536
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 PAUL WRAY DESCOMBES A.K.A. PAUL
WRAY DES COMBES,
13
14 Respondent.

Case No. 2870
REQUEST FOR DISCOVERY
[Gov. Code § 11507.6]

15
16 TO RESPONDENT:

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

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

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

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

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

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

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

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

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

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

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

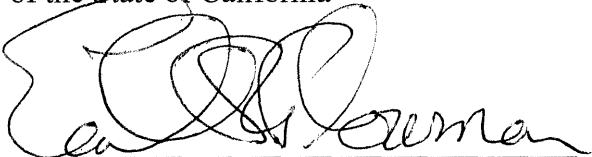
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

60131518.wpd

**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.

60131518.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.

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:

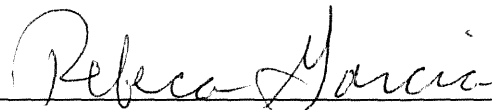
Paul Wray Descombes
23442 Mobile Street
West Hills, CA 91307

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



Signature

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<p> <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. </p>	<p>A. Received by (Please Print Clearly)</p> <p><i>C. Vewdt</i></p>	<p>B. Date of Delivery</p> <p><i>3-11-06</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"> Paul Wray Descombes 23442 Mobile Street West Hills, CA 91307 </p>	<p>C. Signature</p> <p><input checked="" type="checkbox"/> <i>C. Vewdt</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Copy from service label)</p>	<p>3. Service Type</p> <p> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p style="text-align: center; font-size: 1.2em;">7001 0360 0003 2704 4685</p>	

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To *Paul Wray Descombes*

Street, Apt. No.,
or PO Box No. *23442 Mobile St.*

City, State, ZIP+4 *West Hills, CA 91307*

7001 0360 0003 2704 4685

PS Form 3800, January 2001

See Reverse for Instructions