BILL LOCKYER, Attorney General
of the State of California
SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2078
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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. 2884
KIMBERLY MICHELLE DONNELLY	OAH No.
Respondent.	**DEFAULT DECISION AND ORDER**
	[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 5, 2005, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 2884 against Kimberly Michelle Donnelly.

2. On or about August 16, 2001, the Board issued Original Pharmacy Technician Registration No. TCH 39022 to Respondent. This Original Pharmacy Technician Registration No. was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2006, unless renewed.

3. On or about July 13, 2005, Miriam Aguilar, an employee of the Department of Justice, served by Certified Mail a copy of the Accusation No. 2884, 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 6671

Sutton Avenue, Westminster, CA 92683. A copy of the Accusation, the related documents, and Declaration of Service 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. 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."

6. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2884.

7. 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."

8. 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, contained in exhibits A and B, finds that the allegations in Accusation No. 2884 are true.

9. The total costs for investigation and enforcement are $559.50 as of September 7, 2005.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kimberly Michelle Donnelly has subjected her Original Pharmacy Technician Registration No. TCH 39022 to discipline.

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

3. A copy of the Cost Declaration of Sherry Ledakis is attached hereto as Exhibit B.

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

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

a. Respondent committed acts of moral turpitude, dishonesty, fraud, deceit, or corruption by unlawfully possessing controlled substances, i.e., Methamphetamine and Morphine in violation of Business and Professions Code section 4301(f) of the Business and Professions Code; and

b. Respondent violated statutes regulating controlled substances and dangerous drugs by unlawfully possessing Methamphetamine and Morphine, in violation of Business and Professions Code section 4301(l).

ORDER

IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 39022, heretofore issued to Respondent Kimberly Michelle Donnelly, 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.

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

In the Matter of the Accusation Against: **Kimberly Michelle Donnelly** 6671 Sutton Ave Westminster, CA 92683 Pharmacy Technician Registration No. TCH 39022 Respondent.	Case No. 2884 **DEFAULT DECISION AND ORDER**

DECISION AND ORDER

The attached Default Decision Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on November 16, 2005.

It is so ORDERED on October 17, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG
Board President

Attachments: A. Accusation Packet, Service Documents; and
B. Cost Declaration of Sherry Ledakis 8/15/2005

Exhibit A

Accusation No. 2884,
Related Documents and Declaration of Service

BILL LOCKYER, Attorney General
of the State of California
SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
California Department of Justice
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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: KIMBERLY MICHELLE DONNELLY 6671 Sutton Avenue Westminister, CA 92683 Original Pharmacy Technician Registration No. TCH 39022 Respondent.	Case No. 2884 OAH No. **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about August 16, 2001, the Board of Pharmacy issued Original Pharmacy Technician Registration Number TCH 39022 to Kimberly Michelle Donnelly (respondent). Said license will expire on October 31, 2006, unless renewed.

JURISDICTION

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 4301 of the Code provides in part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. 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.

. . .

5. The factual basis for this accusation is set forth below:

A. On September 15, 2004, at approximately 3:00 a.m., Officer Moore of the Los Alamitos Police Department saw respondent sitting alone in a car near a bar.

B. Officer Moore observed respondent drive slowly down an alley behind several businesses, across an empty parking lot and then park near a florist's shop.

C. A records check of the car revealed it was registered to respondent and that the registration had expired in April 2004.

D. The Officer spoke to respondent and obtained her name and birth date. A records check revealed respondent was driving with a suspended license.

E. The Officer took an inventory of the car's contents. In respondent's car was a brown purse. It contained respondent's driver's license and a small red container. The Officer opened the container and found a white rock he believed to be Methamphetamine and ½ of a green pill with the number 20 on it.

F. The Officer asked respondent what was in the container. Respondent told him, "Methamphetamine" and "MS Contin, a narcotic analgesic."

G. The Officer placed respondent under arrest

H. Respondent was charged with possession of Methamphetamine a violation of Health and Safety Code section 11377(a), Possession of Morphine, a violation of Health and Safety Code section 11350(a), and driving with a suspended license in violation of Vehicle Code section 14601.1(a), in a Felony Complaint, Case No. 04WF3132, in the Superior Court, County of Orange.

I. On February 9, 2005, respondent pled guilty to possession of a usable amount of methamphetamine and morphine and driving without a valid license. On this date the entry of judgment was deferred to allow respondent to enroll in a drug treatment program pursuant to Penal Code section 1000. If she successfully completes the requirements of Penal Code section 1000, her plea may be withdrawn and the charges dismissed.

FIRST CAUSE FOR DISCIPLINE

(Possession of Controlled Substances)

6. Respondent is subject to disciplinary action under section 4301(f) of the Code in that she committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption, by possessing controlled substances in violation of law, as more particularly set forth above in paragraphs 5A through and including 5I.

SECOND CAUSE FOR DISCIPLINE

(Violation of Statutes Regulating Controlled Substances)

7. Respondent is subject to disciplinary action under section 4301(l) of the Code in that she committed violations of the statutes of this state regulating controlled substances and dangerous drugs, as more particularly set forth above in paragraphs 5A through and including 5I.

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:

A. Revoking or suspending Original Pharmacy Technician Registration Number TCH 39022, issued to Kimberly Michelle Donnelly.

///

B. Ordering Kimberly Michelle Donnelly 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;

C. Taking such other and further action as deemed necessary and proper.

DATED: 7/5/05

P. J. Harris

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

SD2005700576

70026312.wpd

BILL LOCKYER, Attorney General
of the State of California
SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
California Department of Justice
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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. 2884
KIMBERLY MICHELLE DONNELLY	**STATEMENT TO RESPONDENT**
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 Sherry L. Ledakis, 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

///

Sherry L. Ledakis
Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, California 92101

P.O. Box 85266
San Diego, California 92186-5266.

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.

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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 Sherry L. Ledakis at the earliest opportunity.

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BILL LOCKYER, Attorney General
of the State of California
SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
California Department of Justice
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P.O. Box 85266
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Telephone: (619) 645-2078
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the Accusation Against: KIMBERLY MICHELLE DONNELLY Respondent.	Case No. 2884 **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.

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: 7/12/05

BILL LOCKYER, Attorney General
of the State of California

Sherry Ledakis

SHERRY L. LEDAKIS
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 2884
KIMBERLY MICHELLE DONNELLY	**NOTICE OF DEFENSE**
Respondent.	[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.

70030644.wpd

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

In the Matter of the Accusation Against:	Case No. 2884
KIMBERLY MICHELLE DONNELLY	**NOTICE OF DEFENSE**
Respondent.	[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.

70030644.wpd

DECLARATION OF SERVICE BY CERTIFIED MAIL

Case Name: **In the Matter of the Accusation Against: Kimberly M. Donnelly**

Agency Case No.: 2884

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 July 13, 2005, I served the attached **ACCUSATION, STATEMENT TO RESPONDENT, REQUEST FOR DISCOVERY, (2) NOTICE OF DEFENSE, COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Kimberly Michelle Donnelly
6671 Sutton Avenue
[illegible]

7160 3901 9848 7819 2870

TO: KIMBERLY MICHELE DONNELLY

SENDER: Certified Article Numb

REFERENCE 7160 3901 9848 7819 26

SENDERS RECORD

PS Form 3800, June 2000

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

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided
[illegible] International Mail

POSTMARK OR DATE

2. Article Number

7160 3901 9848 7819 2870

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

1. Article Addressed to:

Kimberly Michelle Donnelly
6671 Sutton Ave.
Westminister, CA 92683

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Kimberly Donnelly

B. Date of Deli [illegible]

C. Signature

X Kimberly Donnelly

D. Is delivery address different from item 1? ☐ Ye
If YES, enter delivery address below: ☐ No

PS Form 3811, July 2001 Domestic Return Receipt

Exhibit B

Certification of Costs

BILL LOCKYER, Attorney General
of the State of California
SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2078
Facsimile: (619) 645-2061

Attorneys for Complainant

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

IN THE MATTER OF THE ACCUSATION AGAINST: KIMBERLY MICHELLE DONNELLY Respondent.	Case No. 2884 OAH No. **CERTIFICATION OF COSTS: DECLARATION OF SHERRY L. LEDAKIS** [Business and Professions Code section 125.3]

I, SHERRY L. LEDAKIS, hereby declare and certify as follows:

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

2. I represent the Complainant, Patricia F. Harris, Executive Officer of the Board of Pharmacy, in this action. I was assigned to handle this case on or around May 11, 2005.

3. As the Deputy Attorney General assigned to handle this case, I performed a wide variety of tasks that were necessary for the prosecution of this matter, including, but not limited to (1) conducting an initial case evaluation; (2) obtaining, reading and reviewing the investigative material; (3) drafting pleadings, correspondence, memoranda, and other case-related

documents; (4) researching relevant points of law and fact; (5) consulting and/or meeting with colleague deputies, and supervisory staff; and (6) preparing the Default Decision and Order and the Cost Declaration of Sherry L. Ledakis.

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

Employee/ Position	Fiscal Year	No. of Hours	Hourly Rate	Total Charges
Sherry L. Ledakis Deputy Attorney General	2004-2005	3.50	139	486.50
Sherry L. Ledakis Deputy Attorney General	2005-2006	0.50	146	73.00
			TOTAL:	$559.50

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

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

Executed on Sept. 8, 2005, in the City of San Diego, California.

Sherry L. Ledakis

SHERRY L. LEDAKIS
Deputy Attorney General

Declarant

70038166.wpd
SD2005700576

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE
1300 I Street, Sacramento, CA 95814
Billing Inquiries: (916) 324-5090

Cost-of-Suit Summary

As Of 09/07/2005

Matter ID: SD2005700576 **Date Opened: 05/20/2005**

Description Donnelly, Kimberly M., TCH

Total Legal Costs:	**$559.50**
Cost-of-Suit:	**$0.00**
Grand Total:	**$559.50**

Matter Time Activity Summary

Rate	Hrs Wrkd	Amount
Professional Type: Attorney		
FY: 2005-2006		
$146.00	0.50	$73.00
FY 2005-2006 Total:		**$73.00**
FY: 2004-2005		
$139.00	3.50	$486.50
FY 2004-2005 Total:		**$486.50**
Attorney Total:		**$559.50**
Total Legal Costs:		**$559.50**

Cost-of-Suit

Entry #	Journal Date	Vendor #	Vendor	Schedule	Reference	Amount
Client Agency:						
FY:						
Component Description:						
						$0.00
					Total:	**$0.00**
					FY Total:	**$0.00**
					Client Agency Total:	**$0.00**
					Cost-of-Suit:	**$0.00**

* Denotes soft costs which are not included in totals.