

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

7 Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

13 KIMBERLY MICHELLE DONNELLY

14 Respondent.

Case No. 2884

OAH No.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

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17 FINDINGS OF FACT

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

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

25 3. On or about July 13, 2005, Miriam Aguilar, an employee of the
26 Department of Justice, served by Certified Mail a copy of the Accusation No. 2884, Statement to
27 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
28 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 6671

1 Sutton Avenue, Westminster, CA 92683. A copy of the Accusation, the related documents, and
2 Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

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

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

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

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

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

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

18 8. Pursuant to its authority under Government Code section 11520, the Board
19 finds Respondent is in default. The Board will take action without further hearing and, based on
20 Respondent's express admissions by way of default and the evidence before it, contained in
21 exhibits A and B, finds that the allegations in Accusation No. 2884 are true.

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

24 DETERMINATION OF ISSUES

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

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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

6671 Sutton Ave
Westminster, CA 92683

**DEFAULT DECISION
AND ORDER**

Pharmacy Technician Registration No. TCH
39022

Respondent.

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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**

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

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

11 In the Matter of the Accusation Against:

Case No. 2884

12 KIMBERLY MICHELLE DONNELLY

OAH No.

13 6671 Sutton Avenue
14 Westminister, CA 92683
Original Pharmacy Technician Registration No.
15 TCH 39022

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

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

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

25 JURISDICTION

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

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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 1/2 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

1 H. Respondent was charged with possession of Methamphetamine a
2 violation of Health and Safety Code section 11377(a), Possession of Morphine, a
3 violation of Health and Safety Code section 11350(a), and driving with a suspended
4 license in violation of Vehicle Code section 14601.1(a), in a Felony Complaint, Case No.
5 04WF3132, in the Superior Court, County of Orange.

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

12 FIRST CAUSE FOR DISCIPLINE

13 (Possession of Controlled Substances)

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

18 SECOND CAUSE FOR DISCIPLINE

19 (Violation of Statutes Regulating Controlled Substances)

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

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

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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


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

SD2005700576

70026312.wpd

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

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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 KIMBERLY MICHELLE DONNELLY

14 Respondent.

Case No. 2884

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

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17 TO RESPONDENT:

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

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

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

28 ///

1 **Sherry L. Ledakis**
2 **Deputy Attorney General**
3 **110 West "A" Street, Suite 1100**
4 **San Diego, California 92101**

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

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

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

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

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

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

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

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1 BILL LOCKYER, Attorney General
of the State of California
2 SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
3 California Department of Justice
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10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 KIMBERLY MICHELLE DONNELLY

15 Respondent.

Case No. 2884

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

16
17 TO RESPONDENT:

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

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

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

1 administrative pleading, or in any additional pleading, when it is claimed that the act or
2 omission of the Respondent as to this person is the basis for the administrative
3 proceeding;

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

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

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

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

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

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

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

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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: 7/12/05

BILL LOCKYER, Attorney General
of the State of California



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.

**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

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

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

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

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

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

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

In the Matter of the Accusation Against:

KIMBERLY MICHELLE DONNELLY

Respondent.

Case No. 2884

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

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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.

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

7160 3901 9848 7819 2870

TO: *KIMBERLY MICHELLE DONNELLY*

SENDER: **Certified Article Number**
REFERENCE **7160 3901 9848 7819 2870**
SENDER'S RECORD

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 Delivery *7/13/05*

C. Signature *Kimberly Donnelly*

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

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
for International Mail

POSTMARK OR DATE

Exhibit B
Certification of Costs

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

7 Attorneys for Complainant

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

11 IN THE MATTER OF THE ACCUSATION
AGAINST: KIMBERLY MICHELLE
12 DONNELLY

13 Respondent.

Case No. 2884
OAH No.

CERTIFICATION OF COSTS:
DECLARATION OF SHERRY L.
LEDAKIS

[Business and Professions Code section
125.3]

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

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

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

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

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

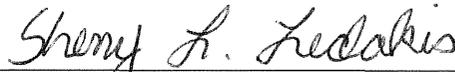
4 4. I am personally familiar with the time recording and billing practices of
5 DOJ and the procedure for charging the client agency for the reasonable and necessary work
6 performed on a particular case. Whenever work is performed on a case, it is the duty of the
7 employee to keep track of the time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

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

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

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

24 
25 SHERRY L. LEDAKIS
26 Deputy Attorney General

26 Declarant



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.