

1 For BILL LOCKYER, Attorney General
of the State of California
2 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2581
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 ANNA MARIA CARRILLO
12 3266 Baldwin Park Blvd.
13 Baldwin Park, CA 91706
14 Pharmacy Technician Registration No. TCH
45176
15 Respondent.

Case No. 2899
OAH No.
**DEFAULT DECISION
AND ORDER**
[Gov. Code, §11520]

16 FINDINGS OF FACT

- 17 1. On or about April 3, 2006, Complainant Patricia F. Harris, in her official
18 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
19 filed Accusation No. 2899 against Anna Maria Carrillo (Respondent) before the Board of
20 Pharmacy.
21 2. On or about May 29, 2003, the Board of Pharmacy (Board) issued
22 Pharmacy Technician Registration No. TCH 45176 to Respondent. The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on September 30, 2006, unless renewed.
25 3. On or about April 13, 2006, Lisa M. Daniele, an employee of the
26 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
27 2899, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
28

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
2 which was and is 3266 Baldwin Park Blvd. Baldwin Park, CA 91706. A copy of the
3 Accusation, the related documents, and Declaration of Service are attached as Exhibit A, and are
4 incorporated herein by reference.

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

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

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

12 6. Respondent failed to file a Notice of Defense within 15 days after service
13 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
14 Accusation No. 2899.

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

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

20 8. Pursuant to its authority under Government Code section 11520, the Board
21 finds Respondent is in default. The Board will take action without further hearing and, based on
22 Respondent's express admissions by way of default and the evidence before it, contained in
23 Exhibits A, finds that the allegations in Accusation No. 2899 are true.

24 9. The total costs for investigation and enforcement are \$1,217.00 as of June
25 9, 2006.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Anna Maria Carrillo
28 has subjected her Pharmacy Technician Registration No. TCH 45176 to discipline.

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

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

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

6 a. Business and Professions Code Section 4301, subdivision (1),
7 490 and California Code of Regulations, title 16, section 1770-conviction of substantially related
8 crimes.

9 b. Health and Safety Code Section 11364 - possession of a drug
10 paraphernalia.

11 c. Health and Safety Code Section 11170 - administered a controlled
12 substance to oneself.

13 d. Business and Professions Code Section 4301, subdivision (f), - act
14 involving dishonesty.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

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

ORDER

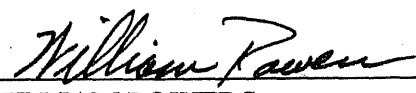
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 45176, heretofore issued to Respondent Anna Maria Carrillo, is revoked.

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 August 24, 2006.

It is so ORDERED July 25, 2006

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
WILLIAM POWERS
Board President

60149821.wpd
DOJ docket number:LA2005600413

Attachments:
Exhibit A: Accusation No.2899, Related Documents, and Declaration of Service

Exhibit A
Accusation No. 2899,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2581
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:	Case No. 2899
11 ANNA MARIA CARRILLO	STATEMENT TO RESPONDENT
12 Respondent.	[Gov. Code §§ 11504, 11505(b)]

13
14
15 TO RESPONDENT:

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

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

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

26 **Kimberlee D. King**
27 **Deputy Attorney General**
Ronald Reagan Building
28 **300 South Spring Street, Suite 1702**
Los Angeles, CA 90013.

1 BILL LOCKYER, Attorney General
of the State of California
2 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2581
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2899

11 ANNA MARIA CARRILLO
3266 Baldwin Park Blvd.
12 Baldwin Park, CA 91706

A C C U S A T I O N

13 Pharmacy Technician Registration
No. TCH 45176

14
15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy.

20 2. On or about May 29, 2003, the Board of Pharmacy issued Pharmacy
21 Technician Registration No. TCH 45176 to Anna Maria Carrillo (Respondent). The Pharmacy
22 Technician Registration was in full force and effect at all times relevant to the charges brought
23 herein and will expire on September 30, 2006, unless renewed.

24 JURISDICTION

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

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

3 5. Section 4301 of the Code states:

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

15

16 “(l) The conviction of a crime substantially related to the qualifications, functions,
17 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
18 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
19 substances or of a violation of the statutes of this state regulating controlled substances or
20 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
21 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
22 The board may inquire into the circumstances surrounding the commission of the crime, in order
23 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
24 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
25 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
26 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
27 meaning of this provision. The board may take action when the time for appeal has elapsed, or
28 the judgment of conviction has been affirmed on appeal or when an order granting probation is

1 made suspending the imposition of sentence, irrespective of a subsequent order under Section
2 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
3 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
4 or indictment.

5

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

7 6. Section 118, subdivision (b), of the Code provides that the expiration of a
8 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
9 period within which the license may be renewed, restored, reissued or reinstated.

10 7. Section 490 of the Code states:

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

20 8. Health and Safety Code section 11170 provides: “no person shall
21 prescribe, administer, or furnish a controlled substance for himself.”

22 9. Health and Safety Code section 11364 states, in pertinent part, that it is
23 unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used
24 for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or
25 (e), . . . specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of
26 subdivision (d) of section 11055.

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

28 "For the purpose of denial, suspension, or revocation of a personal or facility

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

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

10 12. CONTROLLED SUBSTANCE

11 a. "Methamphetamine" is a Schedule II controlled substances as defined in
12 Health and Safety Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to
13 Business and Professions Code section 4022 of the Code.

14 FIRST CAUSE FOR DISCIPLINE

15 (Conviction of Substantially Related Crimes)

16 13. Respondent is subject to disciplinary action under section 4300 and 4301,
17 subdivision (1) on the grounds of unprofessional conduct in conjunction with section 490 of the
18 Code as defined in California Code of Regulations, title 16, section 1770 in that Respondent was
19 convicted of crimes substantially related to the qualifications, functions, or duties of a pharmacy
20 technician. The circumstances are as follows:

21 a. On or about February 22, 2005, Respondent was convicted by the Court on
22 a plea of nolo contendere to one count of violating Penal Code section 484(a), a misdemeanor,
23 (petty theft), in the Superior Court of the State of California, County of Los Angeles, Case No.
24 5JM00863, entitled *The People of the State of California v. Anna Maria Carrillo*.

25 b. The circumstances surrounding the conviction are that on or about
26 December 23, 2004, Respondent was observed by J. C. Penney's security removing a shoe box, a
27 pair of pants and a money clip from the clothing racks. Respondent replaced her old shoes with
28 the new pair. She then concealed the other items in a baby stroller that she was pushing and

1 exited the store. When she was arrested by the store security officer, the officer searched
2 Respondent's purse and found a glass smoking pipe with whit residue. During questioning,
3 Respondent admitted that the pipe was hers and that she had smoked Methamphetamine earlier
4 that morning.

5 c. On or about April 19, 2005, Respondent was found guilty by the Court on
6 one count of violating Health and Safety Code section 11364, a misdemeanor, (possession of
7 paraphernalia), in the Superior Court of the State of California, County of Los Angles, Case No.
8 5JM00863, entitled *The People of the State of California v. Anna Maria Carrillo*.

9 d. The circumstances surrounding the conviction are that on or about
10 December 23, 2004, Respondent was arrested for shoplifting. In conducting a search of
11 Respondent's purse, the security officer found a glass smoking pipe with white residue.
12 Respondent admitted that the pipe was hers.

13 SECOND CAUSE FOR DISCIPLINE

14 (Possession of a Drug Paraphernalia)

15 14. Respondent is subject to disciplinary action under sections 4300 and 4301,
16 subdivisions (j) and (p), on the grounds of unprofessional conduct for violating Health and Safety
17 Code section 11364, in that on or about December 23, 2004, Respondent was in possession of a
18 drug paraphernalia, as more fully set forth in paragraph 13, above.

19 THIRD CAUSE FOR DISCIPLINE

20 (Administer a Controlled Substance to Oneself)

21 15. Respondent is subject to disciplinary action under sections 4300 and 4301,
22 subdivisions (j) and (p) on the grounds of unprofessional conduct for violating Health and Safety
23 Code section 11170 in that on or about December 23, 2004, Respondent admitted to smoking
24 Methamphetamine, a controlled substance, as more fully set forth in paragraph 13, above.,

25 FOURTH CAUSE FOR DISCIPLINE

26 (Act Involving Dishonesty)

27 16. Respondent is subject to disciplinary action under sections 4300 and 4301,
28 subdivision (f) of the Code in that Respondent committed an act of dishonesty in that she stole

1 property belonging to someone else. On or about December 23, 2004, Respondent entered a J. C.
2 Penney's department store and took several items from the clothing racks and concealed them in
3 a baby stroller. She then attempted to leave the premises without paying for the merchandise.

4
5 PRAYER


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

8 1. Revoking or suspending Pharmacy Technician Registration No. TCH
9 45176, issued to Anna Maria Carrillo Anna Maria Carrillo;

10 2. Ordering Anna Maria Carrillo to pay the Board of Pharmacy the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3;

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

14 DATED: 4/3/06

15
16 
17 PATRICIA F. HARRIS
18 Executive Officer
19 Board of Pharmacy
20 State of California
21 Complainant
22
23
24
25

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

In the Matter of the Accusation Against:

Case No. 2899

ANNA MARIA CARRILLO

Respondent.

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.

60137842.wpd

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

In the Matter of the Accusation Against:

Case No. 2899

ANNA MARIA CARRILLO

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 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.

60137842.wpd

1 BILL LOCKYER, Attorney General
of the State of California
2 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2581
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2899

12 ANNA MARIA CARRILLO

REQUEST FOR DISCOVERY

13 Respondent.

[Gov. Code § 11507.6]

14 TO RESPONDENT:

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

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

- 22 1. Provide the names and addresses of witnesses to the extent known to the
23 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
24
- 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
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
26 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
27 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
28 is privileged from disclosure by law or otherwise made confidential or protected as attorney's

1 work product.

2 Your response to this Request for Discovery should be directed to the undersigned
3 attorney for the Complainant at the address on the first page of this Request for Discovery **within**
4 **30 days after service** of the Accusation.

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

8 DATED: April 13, 2006

9 BILL LOCKYER, Attorney General
10 of the State of California

11
12 Kimberlee King
13 KIMBERLEE D. KING
14 Deputy Attorney General

15 Attorneys for Complainant

16 60137842.wpd

17
18
19
20
21
22
23
24
25
26
27
28

**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: **Anna Maria Carrillo**

Agency No.: **2899**

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 April 13, 2006, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2 COPIES), 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 COPIES), 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:

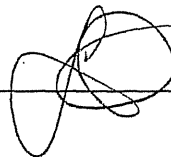
Anna Maria Carrillo
3266 Baldwin Park Blvd.
Baldwin Park, CA 91706

Certified No. 7001 0360 0003 2702 4540

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 April 13, 2006, at Los Angeles, California.

Lisa M. Daniele

Declarant



Signature

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

OFFICIAL USE

0454 2022 5000 0950 7001 0360 0003 2702 4540

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

Sent To Anna Maria Carrillo
Street, Apt. No., or PO Box No. 3266 Baldwin Park Blvd.
City, State, ZIP+ 4 Baldwin Park, CA 91706