BILL LOCKYER, Attorney General
of the State of California
THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2541
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: JAM PHARMACEUTICAL, INC. 1748 W. Business Center Dr. Orange, CA 92867 Wholesale Permit No. WLS 1954 and BERNARDO GUILLEN 1748 West Business Center Drive Orange, CA 92867 Exemptee Certificate No. EXC 13848 Respondent.	Case No. 2915 OAH No. **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 25, 2006, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 2915 against Jam Pharmaceutical, Inc. and Bernardo Guillen (Respondents) before the Board of Pharmacy.

2. On or about December 29, 1997, the Board of Pharmacy issued Original Wholesale Permit No. WLS 1954 to Jam Pharmaceutical Inc., with Jess Miller, President, and David Miller, Vice President (Respondent Jam). The Wholesale Permit was in full force and

effect at all times relevant to the charges brought herein and expired on December 1, 2005.

3. On or about July 28, 1997, the Board of Pharmacy issued Original Exemptee Certificate Number EXC 13848 to Bernardo Guillen (Respondent Guillen). The Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 1, 2006.

4. On or about June 9, 2006, C. Ferracioli, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2915, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondents' addresses of record with the Board, which were and are 1748 W. Business Center Dr. Orange, CA 92867 and 905 ½ N Lacy St., Santa Ana, CA 92701. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and incorporated herein by reference.

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

6. On or about June 29, 2006, a portion of the aforementioned documents were returned by the U.S. Postal Service marked "unclaimed". A copy of the postal returned documents are incorporated herein by reference.

7. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

8. 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."

9. Respondents failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No. 2915.

10. 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."

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondents are in default. The Board will take action without further hearing and, based on Respondents' express admissions by way of default and the evidence before it, finds that the allegations in Accusation No. 2915 are true.

12. The total costs for investigation and enforcement are $19,829.00 as of June 30, 2006.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jam Pharmaceutical, Inc. has subjected its Wholesale Permit No. WLS 1954 to discipline.

2. Based on the foregoing findings of fact, Respondent Bernardo Guillen has subjected his Original Exemptee Certificate Number EXC 13848 to discipline.

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

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

5. The Board of Pharmacy is authorized to revoke Respondent Jam Pharmaceutical's Wholesale Permit and Bernardo Guillen's Original Exemptee Certificate based upon the following violations alleged in the Accusation:

a. Business and Professions Code section 4081(a) (failure to provide

records of acquisition and disposition of dangerous drugs upon request by the Board.)

b. Business and Professions Code section 4105(a) (failure to retain records of the acquisition and disposition of dangerous drugs on the licensed premises in a readily retrievable form.)

ORDER

IT IS SO ORDERED that Wholesale Permit No. WLS 1954, heretofore issued to Respondent Jam Pharmaceutical, Inc., and Original Exemptee Certificate Number EXC 13848, heretofore issued to Bernardo Guillen, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents 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 Respondents. 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 October 11, 2006.

It is so ORDERED September 11, 2006

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By William Powers
WILLIAM POWERS
Board President

60153643.wpd

DOJ docket number:LA2005600625

Attachments:

Exhibit A: Accusation No.2915, Related Documents, and Declaration of Service

Exhibit A

Accusation No. 2915,
Related Documents and Declaration of Service

BILL LOCKYER, Attorney General
of the State of California
THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2541
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: JAM PHARMACEUTICAL, INC. 1748 West Business Center Drive Orange, CA 92867 Wholesale Permit No. WLS 1954 and BERNARDO GUILLEN 1748 West Business Center Drive Orange, CA 92867 Exemptee Certificate No. EXC 13848 Respondent.	Case No. 2915 OAH No. **ACCUSATION**

Complainant alleges:

PARTIES

1. Patricia Harris (Complainant) 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 December 29, 1997, the Board of Pharmacy issued Original Wholesale Permit No. WLS 1954 to Jam Pharmaceutical Inc., with Jess Miller, President, and David Miller, Vice President (Respondent Jam). The Wholesale Permit was in full force and effect at all times relevant to the charges brought herein and expired on December 1, 2005.

3. On or about July 28, 1997, the Board of Pharmacy issued Original Exemptee Certificate Number EXC 13848 to Bernardo Guillen (Respondent Guillen). The Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 1, 2006.

JURISDICTION

4. 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.

5. Section 4300 of the Code provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4301 of the Code states:

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

. . . .

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

. . . .

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

7. Section 4081 of the Code, subdivision (a), states:

"All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy,

veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices."

8. Section 4105, subdivision (a), of the Code states that all records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the Board shall be retained on the licensed premises in a readily retrievable form.

9. Business and Professions Code section 118, subdivision (b) states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

10. Business and Professions Code section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

///

///

///

///

FIRST CAUSE FOR DISCIPLINE

(Failure to Account for Dangerous Drugs)

11. Respondents are subject to disciplinary action pursuant to section 4300 and 4301(j), and (o) for violation of sections 4081(a) and 4105(a) as follows:

a. Respondents failed to provide records of acquisition of dangerous drugs upon request by the Board in that they failed to produce records reflecting dangerous drug purchases in the approximate amount of $4,625.520 from Quantum Health, Inc. doing business as University Community Medical Center and/or Integrated Health Assets for the time period July 1, 2002 through December 31, 2003.

b. Respondents failed to provide records of acquisition of dangerous drugs upon request by the Board in that they failed to provide records reflecting dangerous drug purchases in the approximate amount of $7,724,805 from Lincoln Hospital Pharmacy Inc. and/or Integrated Health Assets for the time period January 1, 2003 through December 31, 2004.

c. Respondents failed to provide disposition records for the dangerous drug purchases described in sub-paragraphs 11(a) and (b) above.

PRAYER

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

1. Revoking or suspending Original Permit No. WLS 1954 issued to Jam Pharmaceutical Inc., Jess Miller, President, and David Miller, Vice President.

2. Revoking or suspending Original Exemptee Certificate Number EXC 13848 issued to Bernardo Guillen.

///

///

///

///

///

///

3. Ordering Jam Pharmaceutical Inc. and Bernardo Guillen 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;

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

DATED: 5/25/06

P. F. Harris

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

LA2004601817

BILL LOCKYER, Attorney General
of the State of California
THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2541
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: JAM PHARMACEUTICAL, INC. 1748 West Business Center Drive Orange, CA 92867 WLS 1954 and BERNARDO GUILLEN 1748 West Business Center Drive Orange, CA 92867 EXC 13848 Respondent.	Case No. 2915 **STATEMENT TO RESPONDENT** [Gov. Code §§ 11504, 11505(b)]

TO RESPONDENT:

Enclosed is a copy of the 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 Thomas L. Rinaldi, within fifteen (15) days after a copy of the 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 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

Thomas L. Rinaldi
Deputy Attorney General
Ronald Reagan Building
300 South Spring Street, Suite 1702
Los Angeles, CA 90013.

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

The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a specific denial of all parts of the , but you will not be permitted to raise any objection to the form of the 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 on you.

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

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

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

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

///

///

NOTICE REGARDING STIPULATED SETTLEMENTS

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

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

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

******

LA2005600625
60148576.wpd

BILL LOCKYER, Attorney General
of the State of California
THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2541
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: JAM PHARMACEUTICAL, INC. 1748 West Business Center Drive Orange, CA 92867 WLS 1954 and BERNARDO GUILLEN 1748 West Business Center Drive Orange, CA 92867 EXC 13848 Respondent.	Case No. 2915 **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 .

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: June 9, 2006

BILL LOCKYER, Attorney General
of the State of California

THOMAS L. RINALDI
Deputy Attorney General

Attorneys for Complainant

60148576.wpd

COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

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

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

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

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

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

****

60148576.wpd

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

In the Matter of the Accusation Against: JAM PHARMACEUTICAL, INC. 1748 West Business Center Drive Orange, CA 92867 WLS 1954 and BERNARDO GUILLEN 1748 West Business Center Drive Orange, CA 92867 EXC 13848 Respondent.	Case No. 2915 **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 .

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 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.

60148576.wpd

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

In the Matter of the Accusation Against: JAM PHARMACEUTICAL, INC. 1748 West Business Center Drive Orange, CA 92867 WLS 1954 and BERNARDO GUILLEN 1748 West Business Center Drive Orange, CA 92867 EXC 13848 Respondent.	Case No. 2915 **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 .

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 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.

60148576.wpd

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: Jam Pharmaceutical, Inc.; Bernardo Guillen
No.: 2915

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 June 9, 2006, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 copies), and DISCOVERY STATUES** 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; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 copies), and DISCOVERY STATUES** 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:

Jam Pharmaceutical, Inc. 1748 West Business Center Drive Orange, CA 92867 Respondent Certified Mail Receipt No. 7001 0360 0003 6703 2871	Bernardo Guillen 1748 West Business Center Drive Orange, CA 92867 Respondent Certified Mail Receipt No. 7001 0360 0003 6703 2888
Bernardo Guillen 905-1/2 N. Lacy Street Santa Ana, CA 92701 Respondent Certified Mail Receipt No. 7001 0360 0003 6703 2895	

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 June 9, 2006, at Los Angeles, California.

C. Ferracioli
Declarant

C. Ferracioli
Signature

60148605.wpd

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

7001 0360 0003 6703 2895

OFFICIAL USE

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted (Endorseme
Total Post
Postmark Here

Re: Jam Pharmaceutical; Bernardo Guillen; Mailed 6/9/06, CF

Sent To
Bernardo Guillen
Street, Apt or PO Box
905-1/2 N. Lacy Street
City, State,
Santa Ana, CA 92701

PS Form 3800, January 2001 See Reverse for Instructions

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

7001 0360 0003 6703 2871

OFFICIAL USE

Postage Mailed 6-9-06
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $
Postmark Here

Sent To
Jam Pharmaceutical, Inc.
Street, Apt. No.; or PO Box No.
1748 West Business Center Drive
City, State, ZIP+
Orange, CA 92867

PS Form 3800, January 2001 See Reverse for Instructions

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

7001 0360 0003 6703 2888

OFFICIAL USE

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted De (Endorsement
Total Postag
Postmark Here

Re: Jam Pharmaceutical; Bernardo Guillen; Mailed 6/9/06, CF

Sent To
Bernardo Guillen
Street, Apt. N or PO Box No
1748 West Business Center Dr.
City, State, Zi
Orange, CA 92867

PS Form 3800, January 2001 See Reverse for Instructions

CERTIFIED MAIL

7001 0360 0003 6703 2888

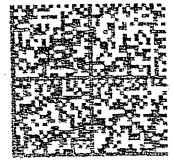
UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 05.36⁰
0004616686 JUN 09 2006
MAILED FROM ZIP CODE 90013

THOMAS RINALDI, DAG
DEPARTMENT OF JUSTICE
Office of the Attorney General
300 South Spring Street
Los Angeles, California 90013

TO

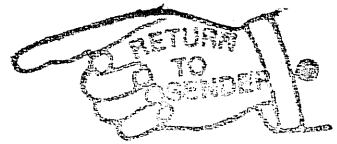
Bernardo Guillen
1748 West Business Center Drive
Orange, CA 92867
United States

RETURNED TO SENDER
ATTEMPTED, UNKNOWN



UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 01.11°
0004616686 JUN 09 2006
MAILED FROM ZIP CODE 90013

FIRST CLASS MAIL

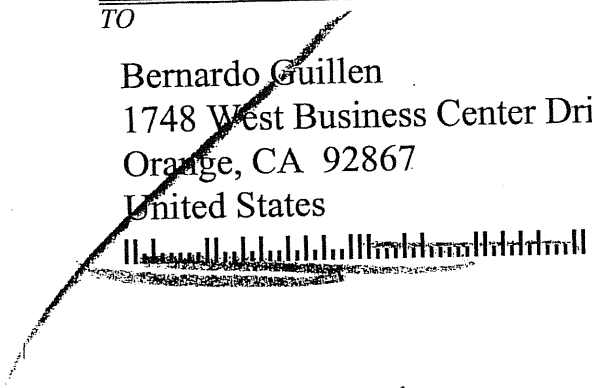


REASON CHECKED
Unclaimed ____ Refused ✓
Attempted-Not Known ____
Insufficient Address ____
No such street ____ number ____
No Mail Receptacle ____
Forwarding Order Expired ____
Vacant ____

THOMAS RINALDI, DAG
DEPARTMENT OF JUSTICE
Office of the Attorney General
300 South Spring Street
Los Angeles, California 90013

TO

Bernardo Guillen
1748 West Business Center Drive
Orange, CA 92867
United States



FMC

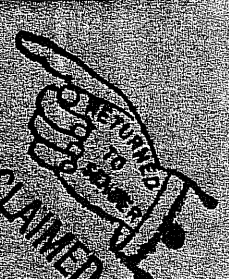
CERTIFIED MAIL

7001 0360 0003 6703 2895

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 05.36⁰
0004616686 JUN 09 2006
MAILED FROM ZIP CODE 90013

6/14/06
6-19-06
6-29-06

THOMAS RINALDI, DAG
DEPARTMENT OF JUSTICE
Office of the Attorney General
300 South Spring Street
Los Angeles, California 90013

TO

Bernardo Guillen
905-1/2 N. Lacy Street
Santa Ana, CA 92701
United States