

1 BILL LOCKYER, Attorney General
of the State of California
2 JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5342
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6 Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

12 SHANA G. SHRIVER
54 Terrace Drive
13 Chico, CA 95926
14 Pharmacy License No. TCH 24111

15 Respondent.

Case No. 2921

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

16
17 FINDINGS OF FACT

18 1. On or about December 16, 2005, Complainant Patricia F. Harris, in her
19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
20 Affairs, filed Accusation No. 2921 against Shana G. Shriver (Respondent) before the Board of
21 Pharmacy.

22 2. On or about October 22, 1997, the Board of Pharmacy (Board) issued
23 Pharmacy License No. TCH 24111 to Respondent. The Pharmacy License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on November 30, 2005,
25 unless renewed.

26 3. On or about January 3, 2006, Carol Sekara, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation
28 No. 2921, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
2 which was and is 54 Terrace Drive, Chico, CA 95926. A copy of the Accusation, the related
3 documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by
4 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. 2921.

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 upon
18 other evidence and affidavits may be used as evidence without any notice to respondent."

19 8. Pursuant to its authority under Government Code section 11520, the Board
20 finds Respondent is in default. The Board will take action without further hearing and, based on
21 Respondent's express admissions by way of default and the evidence before it, contained in
22 exhibits A and B finds that the allegations in Accusation No. 2921 are true.

23 DETERMINATION OF ISSUES

24 1. Based on the foregoing findings of fact, Respondent Shana G. Shriver has
25 subjected her Pharmacy License No. TCH 24111 to discipline.

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

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

1 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy
2 License based upon the following violations alleged in the Accusation:

- 3 a. Business and Professions Code section 4301(f) (Dishonest Acts).
4 b. Business and Professions Code section 4301(j) (Violation of Drug
5 Laws).

6 ORDER

7 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 24111,
8 heretofore issued to Respondent Shana G. Shriver, is revoked.


9 Pursuant to Government Code section 11520, subdivision (c), Respondent may
10 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
11 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
12 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
13 statute.

14 This Decision shall become effective on April 28, 2006.

15 It is so ORDERED March 29, 2006

17 BOARD OF PHARMACY
18 DEPARTMENT OF CONSUMER AFFAIRS
19 STATE OF CALIFORNIA

20 By


21 STANLEY W. GOLDENBERG
22 Board President

22 Attachments:

- 23 Exhibit A: Accusation No. 2921, Related Documents, and Declaration of Service
24 Exhibit B: Postal Return Documents

27 10224952.wpd

28 DOJ docket number:SA2005104405

Exhibit A

Accusation No. 2921
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2921

11 SHANA G. SHRIVER
54 Terrace Drive
12 Chico, CA 95926

A C C U S A T I O N

13 Pharmacy License No. TCH 24111

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

- 18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Director of the Board of Pharmacy.
- 20 2. On or about October 22, 1997, the Board of Pharmacy issued Pharmacy
21 License Number TCH 24111 to Shana G. Shriver (Respondent). The Pharmacy License was in
22 full force and effect at all times relevant to the charges brought herein and will expire on
23 November 30, 2005, 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.

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4. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4301 of the Code states in pertinent part:

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:

(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.

6. Health and Safety Code section 11170 provides that no person shall prescribe, administer or furnish a controlled substance for himself.

7. Health and Safety Code section 11173, subdivision (a) provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure

///

1 the administration of or prescription for controlled substances, (1) by fraud, deceit,
2 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

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

7 9. Section 4022 of the Code states:

8 "Dangerous drug" or "dangerous device" means any drug or device unsafe
9 for self-use, except veterinary drugs that are labeled as such, and includes the
10 following:

11 (a) Any drug that bears the legend: "Caution: federal law prohibits
12 dispensing without prescription," "Rx only," or words of similar import.

13 (b) Any device that bears the statement: "Caution: federal law restricts this
14 device to sale by or on the order of a _____," "Rx only," or words of similar
15 import, the blank to be filled in with the designation of the practitioner licensed to
16 use or order use of the device.

17 (c) Any other drug or device that by federal or state law can be lawfully
18 dispensed only on prescription or furnished pursuant to Section 4006.

19 DRUGS

20 10. "Norco" is a compound consisting of Hydrocodone, a Schedule III
21 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4),
22 and Acetaminophen, and a dangerous drug pursuant to section 4022 of the Code in that under
23 federal or state law it can be lawfully dispensed only on prescription or furnished pursuant to
24 section 4006 of the Code.

25 FIRST CAUSE FOR DISCIPLINE

26 (Dishonest Acts)

27 11. Respondent is subject to disciplinary action under section 4301(f) of the
28 Code in that from on or about April 2003 through September 7, 2004, respondent stole
approximately 16,000 Norco tablets from her employer, Rite Aid Pharmacy, #6087 in Chico,
California. Respondent sold some of the tablets, and self administered the remainder.

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SECOND CAUSE FOR DISCIPLINE

(Violation of Drug Laws)


12. Respondent is subject to disciplinary action under section 4301(j) of the Code in that her actions, as alleged in paragraph 11 above, were in violation of Health and Safety Code sections 11170 and 11173(A).

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 Pharmacy License Number TCH 24111, issued to Shana G. Shriver;
- 2. Ordering Shana G. Shriver 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; and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 12/16/05



PATRICIA F. HARRIS
Executive Director
Board of Pharmacy
State of California
Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
3 California Department of Justice
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2921

11 SHANA G. SHRIVER

STATEMENT TO RESPONDENT

12 Respondent.

[Gov. Code §§ 11504, 11505(b)]

13
14 TO RESPONDENT:

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

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

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

25 **Jana L. Tuton**
26 **Deputy Attorney General**
27 **1300 I Street, Suite 125**
P.O. Box 944255
Sacramento, California 94244-2550.

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

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

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

10 The hearing may be postponed for good cause. If you have good cause, you are
11 obliged to notify the Office of Administrative Hearings, 560 J Street, Suite 340/360, Sacramento,
12 California 95814, within ten (10) working days after you discover the good cause. Failure to
13 notify the Office of Administrative Hearings within ten (10) days will deprive you of a
14 postponement.

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

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

21 **NOTICE REGARDING STIPULATED SETTLEMENTS**

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

27 Any stipulation must be consistent with the Board's established disciplinary
28 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the

1 Board's Disciplinary Guidelines will be provided to you on your written request to the state
2 agency bringing this action.

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

6 *****

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2 JANA L. TUTON, State Bar No. 78206
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 SHANA G. SHRIVER
12 Respondent.

Case No. 2921
REQUEST FOR DISCOVERY
[Gov. Code § 11507.6]

13
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 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
20 ARE HEREBY REQUESTED TO:

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

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

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

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

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

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

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

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

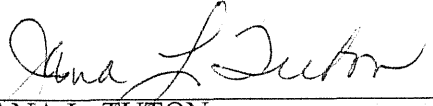
26 Your response to this Request for Discovery should be directed to the undersigned
27 attorney for the Complainant at the address on the first page of this Request for Discovery **within**
28 **30 days after service** of the Accusation.

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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: 1-3-06

BILL LOCKYER, Attorney General
of the State of California



JANA L. FUTON
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:

SHANA G. SHRIVER

Respondent.

Case No. 2921

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.

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

In the Matter of the Accusation Against:

SHANA G. SHRIVER

Respondent.

Case No. 2921

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.

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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.

Exhibit B
Postal Return Documents

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Shana G. Shriver**

Case No.: **2921**

I declare:

I am employed in the Office of the Attorney General, which California State Bar at which member's direction this service older and not a party to this matter. I am familiar with the bu Attorney General for collection and processing of correspond States Postal Service. In accordance with that practice, corre mail collection system at the Office of the Attorney General Postal Service that same day in the ordinary course of busine

On January 3, 2006, I served the attached **Accusation, Stater Discovery, Notice of Defense (2 copies), and Government** copy thereof enclosed in a sealed envelope as certified mail w and return receipt requested, and another true copy of the **Acc Respondent, Request for Discovery, Notice of Defense (2 c sections** was enclosed in a second sealed envelope as first cla prepaid, in the internal mail collection system at the Office Sacramento addressed as follows

Shana G. Shriver
54 Terrace Drive
Chico, CA 95926
Respondent
Certified Mail Number
7160 3901 9848 9138 6157

I declare under penalty of perjury under the laws of the State and correct and that this declaration was executed on January

CAROL L. SEKARA

Declarant

cc: Kim deLong, Enforcement Analyst, Bd. of Pharmacy

10212470.wpd

7160 3901 9848 9138 6157

TO: Shana G. Shriver
54 Terrace Drive
Chico, CA 95926

SENDER: Jana L. Tuton

REFERENCE: Shriver/AccusPkt

Certified Article Number

7160 3901 9848 9138 6157

PS Form 3811, July 2001

Domestic Return Receipt

Shana G. Shriver
54 Terrace Drive
Chico, CA 95926

- 3. Service Type **CERTIFIED MAIL**
- 4. Restricted Delivery? (Extra Fee) Yes
- 1. Article Addressed to:

7160 3901 9848 9138 6157



A. Received by (Please Print Clearly)
Shana G. Shriver 1-9-06

C. Signature
Shana G. Shriver Agent Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:
43 Skywalker Ct.
Chico, CA 95973 Yes No

Shriver/Accus Pkt
Jana L. Tuton, DAG