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

In the Matter of the Accusation Against: **JOLEEN ANDREA RODRIGUEZ** 1750 N. Western Ave. #105 Los Angeles, CA 90027 Pharmacy Technician Registration No. TCH 53121 Respondent.	Case No. 2975 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 6, 2006, Complainant Virginia Herold, in her official capacity as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, State of California, filed Accusation No. 2975 against Joleen Andrea Rodriguez (Respondent) before the Board.

2. On or about November 26, 2003, the Board issued Pharmacy Technician Registration No. TCH 53121 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2007, unless renewed.

3. On or about November 14, 2006, Pamela Van Kesteren, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2975, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 1750 N. Western Ave. #105, Los Angeles, CA 90027. A copy of the Accusation, the related documents, and Declaration of Service is attached as Exhibit A, and is incorporated herein by reference.

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

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

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

6. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2975.

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

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

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A and B, finds that the allegations in Accusation No. 2975 are true.

9. The total costs for investigation and enforcement are $5,510.50 as of December 12, 2006. (Exhibit B.)

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Joleen Andrea Rodriguez has subjected her Pharmacy Technician Registration No. TCH 53121 to discipline.

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

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

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

a. Business and Professions Code section 4301, subdivision (f) - committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption;

b. Business and Professions Code section 4301, subdivision (j) - obtained controlled substance by fraud, deceit, misrepresentation or subterfuge;

c. Business and Professions Code section 4301, subdivision (o) for violating Code section 4060 - possession of controlled substance without prescription;

d. Business and Professions Code section 4301, subdivisions (j) and (o) for violating Code section 4327 and Health and Safety Code section 11170 - under the influence of controlled substance while on duty.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 53121, heretofore issued to Respondent Joleen Andrea Rodriguez, 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 February 21, 2007.

It is so ORDERED January 22, 2007

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

60183217.wpd
DOJ docket number:LA2006600300

By _____
WILLIAM POWERS
Board President

Attachments:

Exhibit A: Accusation No. 2975, Related Documents, and Declaration of Service
Exhibit B: Certification of Costs: Declaration of Linda Sun

Exhibit A

Accusation No. 2975,
Related Documents and Declaration of Service

BILL LOCKYER, Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6375
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: JOLEEN ANDREA RODRIGUEZ Respondent.	Case No. 2975 **STATEMENT TO RESPONDENT** [Gov. Code §§ 11504, 11505(b)]

TO RESPONDENT:

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

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

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

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Linda L. Sun
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 Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

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

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

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

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

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 Linda L. Sun at the earliest opportunity.

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BILL LOCKYER, Attorney General
of the State of California
LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6375
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: JOLEEN ANDREA RODRIGUEZ 1750 N. Western Ave. #105 Los Angeles, CA 90027 Pharmacy Technician Registration No. TCH 53121 Respondent.	Case No. 2975 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

2. On or about November 26, 2003, the Board issued Pharmacy Technician Registration No. TCH 53121 to Joleen Andrea Rodriguez (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2007, unless renewed.

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JURISDICTION

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

4. Section 118, subdivision (b) of the Code 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 of 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."

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:

. . . .

"(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.

. . . .

"(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 4060 of the Code states in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7 . . . ."

8. Section 4327, subdivision (a) of the Code, states:

"Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverage shall be guilty of a misdemeanor."

9. Section 11170 of the Health and Safety Code provides that: "No person shall prescribe, administer, or furnish a controlled substance for himself."

10. Section 11173, subdivision (a) of the Health and Safety Code provides: "no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

11. Section 125.3 of the Code provides, in pertinent part, that 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.

12. <u>CONTROLLED SUBSTANCE</u>

a. Vicodin, a brand name for Hydrocodone and Acetaminophen, is a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4) and classified as a dangerous drug pursuant to Business and Professions Code section 4022 (c).

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FIRST CAUSE FOR DISCIPLINE

(Dishonest Act)

13. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (f) on the grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

a. Respondent was employed as a pharmacy technician at Health Care Pharmacy in Monterey Park, California from about December 8, 2003 to April 29, 2005.

b. On or about April 27, 2005, while on duty at Health Care Pharmacy, another pharmacy technician observed Respondent remove and ingest a tablet from the generic Vicodin bottle which was placed in a pharmacy holding tote, a container where the drugs are placed to be returned to stock.

c. On or about April 29, 2005, upon questioning, Respondent admitted to taking the Vicodin without authorization and was terminated by the pharmacy.

d. During a pharmacy audit of Health Care Pharmacy for the period June 1, 2003 through April 29, 2005, it was discovered that about 2, 911 tablets of generic Vicodin (Hydrocodone 5/500) and 2,183 tablets of generic Vicodin ES (Hydrocodone 7.5/750) were unaccounted for.

SECOND CAUSE FOR DISCIPLINE

(Obtain Controlled Substance by Fraud/Misrepresentation)

14. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (j) on the grounds of unprofessional conduct for violating Health and Safety Code section 11173, subdivision (a), in that Respondent obtained a controlled substance by fraud, deceit, misrepresentation or subterfuge, or by the concealment of a material fact. The circumstances are as set forth in paragraph 13 above.

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THIRD CAUSE FOR DISCIPLINE

(Possession of Controlled Substance Without Prescription)

15. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (o) on the grounds of unprofessional conduct for violating Code section 4060, in that Respondent obtained a controlled substance without a prescription. The circumstances are as set forth in paragraph 13 above.

FOURTH CAUSE FOR DISCIPLINE

(Under the Influence While on Duty)

16. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivisions (j) and (o) on the grounds of unprofessional conduct for violating Code section 4327 and Health and Safety Code section 11170, in that Respondent administered a controlled substance for herself and was under the influence of a controlled substance while on duty as a pharmacy technician. The circumstances are as set forth in paragraph 13 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 Pharmacy Technician Registration No. TCH 53121, issued to Joleen Andrea Rodriguez.

2. Ordering Joleen Andrea Rodriguez 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;

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

DATED: 11/6/06

VIRGINIA HEROLD
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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

In the Matter of the Accusation Against:	Case No. 2975
JOLEEN ANDREA RODRIGUEZ	**NOTICE OF DEFENSE**
Respondent.	[Gov. Code §§ 11505 and 11506]

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

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

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

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

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

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

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

60177507.wpd

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

In the Matter of the Accusation Against:	Case No. 2975
JOLEEN ANDREA RODRIGUEZ	**NOTICE OF DEFENSE**
Respondent.	[Gov. Code §§ 11505 and 11506]

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

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

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

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

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

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

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

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

SECTION 11507.5: Exclusivity of discovery provisions

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

SECTION 11507.6: Request for discovery

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

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

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

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

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

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

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

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

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

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

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

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

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

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

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

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

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BILL LOCKYER, Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6375
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: JOLEEN ANDREA RODRIGUEZ Respondent.	Case No. 2975 **REQUEST FOR DISCOVERY** [Gov. Code § 11507.6]

TO RESPONDENT:

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

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

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and

2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:

a. A statement of a person, other than the Respondent, named in the initial

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

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

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

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

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

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

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

YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which

is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

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

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

DATED: 11/9/06

BILL LOCKYER, Attorney General
of the State of California

GLORIA A. BARRIOS
Supervising Deputy Attorney General

LINDA L. SUN
Deputy Attorney General

Attorneys for Complainant

60177507.wpd

DECLARATION OF SERVICE

(Certified & First Class Mail (separate mailing))

In the Matter of the Accusation Against: OAH No.
Joleen Andrea Rodriguez

Board of Pharmacy Case No. 2975

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; my business address is 300 So. Spring St., Los Angeles, CA 90013

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 November 14, 2006, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2), GOVERNMENT CODE SECTION 11507.5, 11507.6, 11507.7, REQUEST FOR DISCOVERY** 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), GOVERNMENT CODE SECTION 11507.5, 11507.6, 11507.7, REQUEST FOR DISCOVERY** 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, addressed as follows:

Joleen Andrea Rodriguez
1750 N. Western Avenue #105
Los Angeles, CA 90027

Certified Mail#70010360000327081895

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 November 14, 2006, at Los Angeles, California.

Pamela Van Kesteren
Typed Name

Signature

60177534.wpd

7001 0360 0003 2708 1895

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

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	**$**

Postmark Here

Sent To

Street, Apt. No. or PO Box No. Joleen Andrea Rodriguez
1750 N. Western Avenue #105

City, State, ZIP+ Los Angeles, CA 90027

PS Form 3800, January 2001 See Reverse for Instructions

Exhibit B

Certification of Costs: Declaration of Linda Sun

BILL LOCKYER, Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6375
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: JOLEEN ANDREA RODRIGUEZ Respondent.	Case No. 2975 **CERTIFICATION OF PROSECUTION COSTS: DECLARATION OF LINDA L. SUN** [Business and Professions Code section 125.3]

I, LINDA L. SUN, hereby declare and certify as follows:

1. I am a Deputy Attorney General employed by the California Department of Justice (DOJ), Office of the Attorney General (Office). I am assigned to the Licensing Section in the Civil Division of the Office. I have been designated as the representative to certify the costs of prosecution by DOJ and incurred by the Board of Pharmacy in this case. I make this certification in my official capacity and as an officer of the court and as a public employee pursuant to Evidence Code section 664.

2. I represent the Complainant, Virginia Herold, Interim Executive Officer of the Board of Pharmacy, in this action. I was assigned to handle this case on or around February 27, 2006.

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3. Our Office's computerized case management system reflect that the following persons have also performed tasks related to this matter: Deputy Attorney General Linda L. Sun and Senior Legal Analyst Consuelo Lira .

4. I am familiar with the time recording and billing practices of DOJ and the procedure for charging the client agency for the reasonable and necessary work performed on a particular case. It is the duty of the time keeping employees to keep track of the time spent and to report that time in DOJ's computerized case management system at or near the time of the tasks performed.

5. On December 12, 2006, I requested a billing summary for this case from the Accounting Department of the DOJ. In response, on December 12, 2006, I received a document entitled "Cost-of-Suit Summary." I hereby certify that the Summary, attached heretoas Exhibit A, and herein incorporated by reference, is a true and correct copy of the billing summary for this matter that I received from the Accounting Department. The summary includes the billing costs incurred by myself, as well as other professionals of the DOJ who worked on the matter; and sets forth the tasks undertaken, the amount of time billed for the activity, and the billing rate by professional type. The billing summary is comprehensive of the charges by the Office to the Board of Pharmacy through December 12, 2006. It does not include billing for tasks performed after December 12, 2006.

6. Based upon the time reported through December 12, 2006, as set forth in Exhibit A, DOJ has billed the Board of Pharmacy $2,910.50 for the time spent working on the above entitled case.

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

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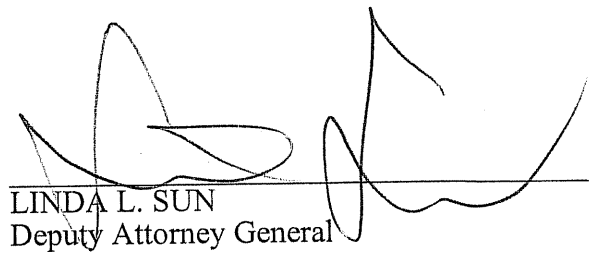
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 12, 2006, in the City of Los Angeles, California.



LINDA L. SUN
Deputy Attorney General

Declarant

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LA2006600300

BILL LOCKYER
Attorney General

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

Cost-of-Suit Summary

As Of 12/12/2006

Matter ID: LA2006600300

Date Opened: 02/27/2006

Description Rodriguez, Joleen Andrea

Total Legal Costs:	**$2,910.50**
Cost-of-Suit:	**$0.00**
Grand Total:	**$2,910.50**

Matter Time Activity Summary

Rate	Hrs Wrkd	Amount
Professional Type: Attorney		
FY: 2006-2007		
$158.00	14.50	$2,291.00
FY 2006-2007 Total:		**$2,291.00**
FY: 2005-2006		
$146.00	1.00	$146.00
FY 2005-2006 Total:		**$146.00**
Attorney Total:		**$2,437.00**
Professional Type: Legal Assistant		
FY: 2006-2007		
$101.00	1.50	$151.50
FY 2006-2007 Total:		**$151.50**
FY: 2005-2006		
$92.00	3.50	$322.00
FY 2005-2006 Total:		**$322.00**
Legal Assistant Total:		**$473.50**
Total Legal Costs:		**$2,910.50**

Cost-of-Suit

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

* Denotes soft costs which are not included in totals.