EDMUND G. BROWN JR., Attorney General
of the State of California
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Attorneys for Complainant

RECEIVED BY CALIF. BOARD OF PHARMACY
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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **EDDREIJAH LOWANDA WOLD** 1442 N. Millard Ave. #4 Rialto, CA 92376 Pharmacy Technician Registration No. TCH 45105 Respondent.	Case No. 2986 OAH No. **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 6, 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. 2986 against Eddreijah Lowanda Wold (Respondent) before the Board of Pharmacy.

2. On or about August 25, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 45105 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein. Said license expired on November 30, 2006, and has not been renewed.

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3. On or about November 15, 2006, Rebeca Garcia, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2986, 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

1442 N. Millard Ave. #4
Rialto, CA 92376

. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are 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. On or about November 21, 2006, the aforementioned documents were returned by the U.S. Postal Service marked "Forwarding Address Expired." However, the returned documents indicated an address for which a forwarding order had expired Said address was and is:

12003 Berendo Avenue Apt. #5
Los Angeles, CA. 90044-2954

6. On or about December 1, 2006, Rebeca Garcia, an employee of the Department of Justice, again served by Certified and First Class Mail a copy of the Accusation No. 2986, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to the Berendo Avenue address and on December 31, 2006 the certified mail service was returned by the U.S. Postal Service marked "Unclaimed, Unable to Forward.." The service by First Class Mail was not returned; however no Notice of Defense was filed.

A copy of the postal returned documents are attached hereto as exhibit B, and are incorporated herein by reference.

7 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."

8. 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. 2986.

9. 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."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is 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, B and C, finds that the allegations in Accusation No. 2986 are true.

11. The total costs for investigation and enforcement are $3,119.50 as of January 19, 2007.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Eddreijah Lowanda Wold has subjected her Pharmacy Technician Registration No. TCH 45105 to discipline.

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

3. The agency has jurisdiction to adjudicate this case by default, and pursuant to the provisions of Business and Professions Code section 118, the failure by Respondent to renew her license does not deprive the agency of jurisdiction to proceed in this matter..

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

a. Conviction of a crime substantially related to the qualifications, functions and duties of a Pharmacy Technician within the meaning of sections 490, 4300

and 4301(1) of the Business and Professions Code in that on or about July 27, 2005 Respondent was convicted upon her plea of guilty of violating Health and Safety Code Section 11359, possession of marijuana/hashish for sale.

b. Administering controlled substances to herself in violation of sections 4300, 4301(j), 4301(o) of the Business and Professions Code, in conjunction with and for violating Section 11170 of the Health and Safety Code.

c. Obtaining controlled substances by fraud or deceit in violation 4300, 4301(j) and 4301(f) and 4301 (o) of the Business and Professions Code in conjunction with and for violating Section 11173 (a) of the Health and Safety Code.

d. Possession of controlled substances without a prescription in violation of sections 4300, 4301(j) and 4301(o) of the Business and Professions Code in conjunction with and in violation of section 4060 of the Business and Professions Code.

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 45105, heretofore issued to Respondent Eddreijah Lowanda Wold, 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 March 28, 2007.

It is so ORDERED February 26, 2007

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By William Powers
WILLIAM POWERS
Board President

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DOJ docket number:LA2006600804

Attachments:

Exhibit A: Accusation No.2986, Related Documents, and Declarations of Service
Exhibit B: Postal Return Documents
Exhibit C: Certification of Costs: Declaration of Earl R. Plowman

Exhibit A

Accusation No. 2986,
Related Documents and Declarations of Service

OAH

BILL LOCKYER, Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
California Department of Justice
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Attorneys for Complainant

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

In the Matter of the Accusation Against: EDDREIJAH LOWANDA WOLD, Respondent.	Case No. 2986 **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 Earl R. Plowman, 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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Earl R. Plowman
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 Earl R. Plowman at the earliest opportunity.

******

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BILL LOCKYER, Attorney General
of the State of California
GLORIA M. BARRIOS, Supervising
Deputy Attorney General
EARL R. PLOWMAN, State Bar No. 54339
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **EDDREIJAH LOWANDA WOLD** 1442 N. Millard Ave. #4 Rialto, CA 92376 Pharmacy Technician Registration No. TCH 45105 Respondent.	Case No. 2986 **ACCUSATION**

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, Department of Consumer Affairs.

2. On or about August 25, 2003, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 45105 to Eddreijah Lowanda Wold (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2006, unless renewed.

JURISDICTION

3. 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.

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

5. Section 118, subdivision (b) states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by the 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 ore revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

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.

. . . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13

(commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

. . . .

"(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:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name

and address of the supplier or producer.

"Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, or a physician assistant to order his or her own stock of dangerous drugs and devices."

8. Section 490 of the Code states:

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

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

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

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

11. 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."

12. 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.

13. CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

a. Alprazolam, generic for Xanax, is an anti-anxiety benzodiazepin and is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

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

c. Promethazine cough syrup with Codeine is a Schedule V controlled substance pursuant to Health and Safety Code section 11058(c)(1)and classified as a dangerous drug pursuant to Business and Professions Code 4022.

d. Diethylpropion, a diet pill, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(f)(1)and classified as a dangerous drug pursuant to Business and Professions Code 4022.

e. Marijuana is a Schedule I controlled substance as defined in Health and Safety Code section 11054 (d) (13). There is no legitimate indicated use for this drug.

f. Viagra, brand name for sildenafil citrate, for the treatment of male erectile dysfunction, is categorized as a dangerous drug for which a prescription is required pursuant to section 4022 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

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

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a. On or about July 27, 2005, Respondent was convicted by the Court on a plea of guilty to one count of violating Health and Safety Code section 11359, a felony, (possession of marijuana/hashish for sale), in the Superior Court of the State of California, County of San Bernardino, Fontana District Court, Case No. FVA034913, entitled *The People of the State of California v. Eddreijah Lowanda Wold, a.k.a. Eddireijah Lowanada Wold.* As a result of her conviction, on August 24, 2005, Respondent Wold was placed on probation by the court on specific terms and conditions, including a requirement that she serve 180 days in county jail.

b. The circumstances surrounding the conviction are that on or about July 8, 2005, the Rialto Police Narcotic Unit served a search warrant on the residence Respondent shared with two other women. A search of a safe in the bedroom of the apartment which Respondent shared with another woman, Glorien M., revealed numerous bottles of controlled substances, i.e., three bottles of Vicodin, four bottles of Xanax, Promethazine with Codeine, Diethylpropion tablets; numerous dangerous drugs requiring a prescription, including Viagra; several prescription bottles prescribed to another individual and approximately 7 ounces of Marijuana, some of which was packaged for sale in 1"x1" plastic bags, as well as $900 in currency and a digital scale. The safe in which the drugs were stored also contained Respondent's identification, as well as other papers and documents with her name on it. A search by officers of Respondent's purse disclosed marijuana packaged in the same manner as that found in the bedroom safe. Respondent stated that she smokes Marijuana but does not sell it.

SECOND CAUSE FOR DISCIPLINE

(Administered Controlled Substances To Oneself)

15. Respondent is subject to disciplinary action under sections 4300 and 4301 subdivisions (j) and (o) of the Code for violating Health and Safety Code section 11170 in that Respondent administered a controlled substance, to wit Marijuana, as more fully set forth in paragraph 14, above and incorporated herein by reference.

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THIRD CAUSE FOR DISCIPLINE

(Obtained Controlled Substances By Fraud or Deceit)

16. Respondent is subject to disciplinary action under sections 4300 and 4301 subdivisions (f), (j) and (o) of the Code on the grounds of unprofessional conduct for violating Health and Safety Code section 11173, subdivision (a) in that Respondent obtained controlled substances by fraud, deceit, or misrepresentation, as more fully set forth in paragraph 14, above and incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substances Without a Prescription)

17. Respondent is subject to disciplinary action under sections 4300 and 4301 subdivisions (j) and (o) of the Code for violating section 4060 in that Respondent obtained controlled substances without a prescription as more fully set forth in paragraph 14, above and incorporated herein by reference.

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 45105, issued to Eddreijah Lowanda Wold.

2. Ordering Eddreijah Lowanda Wold 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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ERP (07/19/2006)
ERP rev.3 10/16/2006)

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

In the Matter of the Accusation Against: EDDREIJAH LOWANDA WOLD, Respondent.	Case No. 2986 **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.

60178118.wpd

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

In the Matter of the Accusation Against: EDDREIJAH LOWANDA WOLD, Respondent.	Case No. 2986 **NOTICE OF DEFENSE** [Gov. Code §§ 11505 and 11506]

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DATED: _____

Respondent's Name _____

Respondent's Signature _____

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City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

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☐ 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: EDDREIJAH LOWANDA WOLD, Respondent.	Case No. 2986 **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.

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

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

DATED: November 14, 2006

BILL LOCKYER, Attorney General
of the State of California

GLORIA A. BARRIOS
Supervising Deputy Attorney General

EARL R. PLOWMAN
Deputy Attorney General

Attorneys for Complainant

60178118.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.

****

60178118.wpd

DECLARATION OF SERVICE
(Certified & First Class Mail (separate mailing))

In the Matter of the Accusation Against: OAH No.
EDDREIJAH LOWANDA WOLD

Board of Pharmacy Case No. **2986**

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 15, 2006, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; NOTICE OF DEFENSE (2); REQUEST FOR DISCOVERY; DISCOVERY STATUTES** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT; ACCUSATION; NOTICE OF DEFENSE (2); REQUEST FOR DISCOVERY; DISCOVERY STATUTES** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General, addressed as follows:

Eddreijah Lowanda Wold
1442 N. Millard Ave. #4
Rialto, CA 92376

Certified Article No.
7001 0360 0003 6710 4981

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 15, 2006, at Los Angeles, California.

Rebeca Garcia
Typed Name

Rebeca Garcia
Signature

60178118.wpd

DECLARATION OF SERVICE

(Certified & First Class Mail (separate mailing))

In the Matter of the Accusation Against: OAH No.

EDDREIJAH LOWANDA WOLD

Board of Pharmacy Case No. **2986**

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 December 1, 2006, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; NOTICE OF DEFENSE (2); REQUEST FOR DISCOVERY; DISCOVERY STATUTES** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT; ACCUSATION; NOTICE OF DEFENSE (2); REQUEST FOR DISCOVERY; DISCOVERY STATUTES** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General, addressed as follows:

Eddreijah Lowanda Wold
12003 Berendo Avenue, Apt. 5
Los Angeles, CA 90044-2954

Certified Article No.
7001 0360 0003 6710 5186

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 December 1, 2006, at Los Angeles, California.

Rebeca Garcia

Typed Name

Rebeca Garcia

Signature

60178118.wpd

Exhibit B

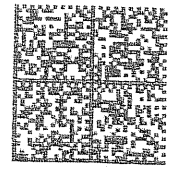
Postal Return Documents

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
300 SOUTH SPRING STREET
LOS ANGELES, CA 90013

Earl Plowman

CERTIFIED MAIL

7001 0360 0003 6710 4981



UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 05.36⁰
0004616686 NOV 15 2006
MAILED FROM ZIP CODE 90013

WOLD442 923761027 1805 21 11/21/06
FORWARD TIME EXP RTN TO SEND
WOLD
12003 BERENDO AVE APT 5
LOS ANGELES CA 90044-2954

RETURN TO SENDER

NAME
1st Notice
2nd Notice
Return

Rec'd 11/23/06

9287623338 C031

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
300 SOUTH SPRING STREET
LOS ANGELES, CA 90013

E. Plowman

WOLD442 9237610271805 21 11/21/06
FORWARD TIME EXP RTN TO SEND
WOLD
12003 BERENDO AVE APT 5
LOS ANGELES CA 90044-2954
RETURN TO SENDER

Eddreijah Lowanda Wold
1442 N. Millard Ave. #4
Rialto, CA 92376

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 01.11⁰
0004616686 NOV 15 2006
MAILED FROM ZIP CODE 90013

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
300 SOUTH SPRING STREET
LOS ANGELES, CA 90013

E. Plowman

CERTIFIED MAIL

7001 0360 0003 6710 5186

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 05.36⁰
0004616686 DEC 01 2006
MAILED FROM ZIP CODE 90013

Benita E. Krecht

RECEIVED
ATTORNEY GENERAL
LOS ANGELES

12/2/06

UNCLAIMED

Eddreijah Lowanda Wold
12003 Berendo Avenue, Apt. 5
Los Angeles, CA 90044-2954

NIXIE 900 1 72 12/31/06

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 90013123099 *1062-06575-31-17

90044+2954-05 C051
90013@1230

Exhibit C

Certification of Costs: Declaration of Earl R. Plowman

EDMUND G. BROWN JR.
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 01/19/2007

Matter ID: LA2006600804 **Date Opened: 05/15/2006**

Description Wold, Eddreijah Lowanda

Total Legal Costs:	**$3,119.50**
Cost-of-Suit:	**$0.00**
Grand Total:	**$3,119.50**

Matter Time Activity Summary

Rate	Hrs Wrkd	Amount
Professional Type: Attorney		
FY: 2006-2007		
$158.00	16.75	$2,646.50
FY 2006-2007 Total:		**$2,646.50**
Attorney Total:		**$2,646.50**
Professional Type: Legal Assistant		
FY: 2006-2007		
$101.00	4.00	$404.00
FY 2006-2007 Total:		**$404.00**
FY: 2005-2006		
$92.00	0.75	$69.00
FY 2005-2006 Total:		**$69.00**
Legal Assistant Total:		**$473.00**
Total Legal Costs:		**$3,119.50**

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.

EDMUND G. BROWN JR., Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2536
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: EDDREIJAH LOWANDA WOLD Respondent.	Case No. 2986 OAH No. **CERTIFICATION OF PROSECUTION COSTS: DECLARATION OF EARL R. PLOWMAN** [Business and Professions Code section 125.3]

I, EARL R. PLOWMAN, 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, Executive Officer of the Board of Pharmacy, in this action. I was assigned to handle this case on or around May 15, 2006.

3. Our Office's computerized case management system reflect that the following persons have also performed tasks related to this matter:

Earl R. Plowman, Deputy Attorney General

Consuelo M. Lira, Sr. Legal Analyst.

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 task performed

5. On January 19, 2007, I requested a billing summary for this case from the Accounting Department of the DOJ. In response on, January 19, 2007, I received a document entitled "Matter Time Activity by Professional Type." I hereby certify to the best of my knowledge and belief that the Matter Time Activity by Professional Type, attached hereto as 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 January 19, 2007. It does not include billing for tasks performed after January 19, 2007.

6. Based upon the time reported through January 19, 2007, as set forth in Exhibit A, DOJ has billed the Board of Pharmacy $3,119.50 for the time spent working on the above entitled case.

7. To the best of my knowledge and belief, 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 January 23, 2007, in the City of Los Angeles, California.

EARL R. PLOWMAN
Deputy Attorney General

Declarant

60190688.wpd
LA2006600804