

1 EDMUND G. BROWN JR. Attorney General
of the State of California
2 KAREN B. CHAPPELLE, State Bar No. 141267
Supervising Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-8944
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6 Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 3013

13 MONICA IRIS LEON
1015 N. Siesta Avenue
14 La Puente, CA 91746

**DEFAULT DECISION
AND ORDER**

15 Pharmacy Technician Registration No. TCH
58541

[Gov. Code, §11520]

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18 **FINDINGS OF FACT**

19 1. On or about February 1, 2007, Complainant Virginia Herold, in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs, filed Accusation, Case No. 3013 against Monica Iris Leon (Respondent)
22 before the Board.

23 2. On or About February 28, 2005, the Board issued Pharmacy Technician
24 Registration No. TCH 58541 to Monica Iris Leon (Respondent). The Pharmacy Technician
25 Registration expired on March 31, 2007, and has not been renewed.

26 3. On or about February 23, 2007, Janice E. Williams, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation, Case
28 No. 3013, Statement of Respondent, Notice of Defense, Disciplinary Guidelines, Request for

1 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
2 address of record with the Board, which was and is 1015 N. Siesta Ave., La Puente, CA 91746.
3 A copy of the Accusation, the related documents, and Declaration of Service are attached as
4 Exhibit A, and are incorporated herein by reference.

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

7 5. The Receipt of Certified Mail was returned to the Office of the Attorney
8 General signed by Respondent on the date of March 24, 2007. The Receipt of Certified Mail is
9 attached hereto as Exhibit B, and is incorporated herein by reference.

10 6. Government Code section 11506 states, in pertinent part:

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

15 7. Respondent failed to file a Notice of Defense within 15 days after service
16 upon him of the Accusation, and therefore waived her right to a hearing on the allegations in
17 Accusation, Case No. 3013.

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

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

22 9. On March 20, 2007, Deputy Attorney General Michael R. Granen, wrote a
23 letter to Respondent at her address of record and at 2694 East Garvey Avenue South, No. 7, West
24 Covina, CA 91791, which she indicated was her true address, confirming their telephone
25 conversation on March 20, 2007. In that conversation, Respondent said she had received the
26 Accusation and accompanying documents and that she did not intend to file a notice of defense.
27 Deputy Granen advised Respondent that her failure to file a notice of defense will result in her
28 Pharmacy Technician Registration being revoked in a default decision by the Board of Pharmacy.

1 Deputy Granen also advised Respondent to file a change of address (West Covina address) with
2 the Board within 30 days. Respondent stated that the La Puente address is her mother's address
3 and that she did not intend to file a change of address with the Board. Finally, Deputy Granen
4 advised Respondent that she will be served with a default. The March 20, 2007 Letter, is
5 attached hereto as Exhibit C, and is incorporated herein by reference.

6 9. Pursuant to its authority under Government Code section 11520, the Board
7 finds Respondent is in default. The Board will take action without further hearing and, based on
8 Respondent's express admissions by way of default and the evidence before it, contained in
9 Exhibits A, B and C, finds that the allegations in Accusation, Case No. 3013 are true.

10 10. The total costs for investigation and enforcement are \$3,241.50 as of
11 May 09, 2007.

12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, Respondent Monica Iris Leon has
14 waived her rights to a hearing on the Accusation.

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

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

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

20 a. Business and Professions Code section 490, 4060, 4301 subdivisions (f),
21 (j), (l) and (o); California Code of Regulations, title 16, section 1770, conviction of a
22 substantially related crime.

23 LOCATION OF RECORD

24 The record on which this Default Decision is based is located in the Sacramento
25 office of the Board.

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1 **ORDER**

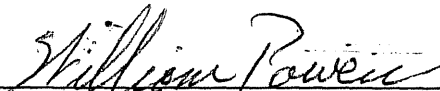
2 IT IS SO ORDERED that Respondent's Pharmacy Technician Registration is
3 revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
6 within seven (7) days after service of the Decision on Respondent. Said written motion shall be
7 sent to Board of Pharmacy, 1625 North Market Boulevard, Suite N-219, Sacramento, California,
8 95834. The agency in its discretion may vacate the Decision and grant a hearing on a showing of
9 good cause, as defined in the statute.

10 This Decision shall become effective on August 8, 2007.

11 It is so ORDERED July 9, 2007

12
13 BOARD OF PHARMACY
14 DEPARTMENT OF CONSUMER AFFAIRS
15 STATE OF CALIFORNIA

16
17 By 
18 WILLIAM POWERS
19 Board President

20
21 60217736.wpd
22 DOJ docket number:LA2006600334

23 Attachments:

- 24 Exhibit A: Accusation, Case No. 3013, Related Documents, and Declaration of Service
25 Exhibit B: Receipt of Certified Mail
26 Exhibit C: March 20, 2007 letter

Exhibit A
Accusation, Case No. 3013,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 GLORIA BARRIOS
Supervising Deputy Attorney General
3 MICHAEL R. GRANEN, State Bar No. 63350
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3013

13 MONICA IRIS LEON
1015 N. Siesta Ave.
La Puente, CA 91746

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 58541

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about February 28, 2005, the Board issued Pharmacy Technician
23 Registration No. TCH 58541 to Monica Iris Leon (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on March 31, 2007, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the
28 following laws. All Section references are to the Business and Professions Code unless

1 otherwise indicated.

2 4. Section 4300, subdivision (a), states that “[e]very license issued may be
3 suspended or revoked.”

4 5. Section 490 states:

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

14 6. Section 4301 states, in pertinent part:

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

19

20 “(f) The commission of any act involving moral turpitude, dishonesty, fraud,
21 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
22 otherwise, and whether the act is a felony or misdemeanor or not.

23

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

26

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

1 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
2 substances or of a violation of the statutes of this state regulating controlled substances or
3 dangerous drugs shall be conclusive evidence of unprofessional conduct. . . .

4

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

9 7. Section 4060 provides that no person shall possess any controlled
10 substance, except that furnished to a person upon the prescription of a physician, dentist,
11 podiatrist, veterinarian, or otherwise authorized by law.

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

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

19 9. Section 118, subdivision (b), provides that the suspension / expiration /
20 surrender / cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
21 disciplinary action during the period within which the license may be renewed, restored, reissued
22 or reinstated.

23 10. Section 125.3 states, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations
25 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

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CONTROLLED SUBSTANCE / DANGEROUS DRUG

11. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

12. Respondent is subject to disciplinary action under Sections 490 and 4301, subdivision (l), as defined in California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that on or about October 5, 2005, Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a licensed pharmacy technician as follows:

a. On or about October 5, 2005, in a criminal proceeding entitled *The People of the State of California v. Monica Iris Leon* in Los Angeles County Superior Court, East District, Pomona, Case No. KA072344, Respondent was convicted on a plea of *nolo contendere* for violating Health and Safety Code section 11379(a) (sale/transport of controlled substance, to wit, methamphetamine), a felony.

b. The circumstances of the conviction are that on or about September 18, 2005, in the County of Los Angeles, California, Respondent unlawfully transported methamphetamine.

SECOND CAUSE FOR DISCIPLINE

(Unlawful Possession of a Controlled Substance)

13. Respondent is subject to disciplinary action under Section 4301, subdivision (o), on the grounds of unprofessional conduct for violating Section 4060, in that on or about September 18, 2005, Respondent was in possession of methamphetamine as more fully described above in paragraph 12.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Violated Drug Statutes)

3 14. Respondent is subject to disciplinary action under Section 4301,
4 subdivisions (j) and (o), on the grounds of unprofessional conduct, in that Respondent violated
5 statues regulating controlled substances and dangerous drugs, as set forth above in
6 paragraphs 12 - 13, inclusive.

7 FIFTH CAUSE FOR DISCIPLINE

8 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

9 15. Respondent is subject to disciplinary action under Section 4301,
10 subdivisions (f) and (o), on the grounds of unprofessional conduct, in that Respondent committed
11 acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as set forth above in
12 paragraphs 12 - 14, inclusive.

13 PRAYER

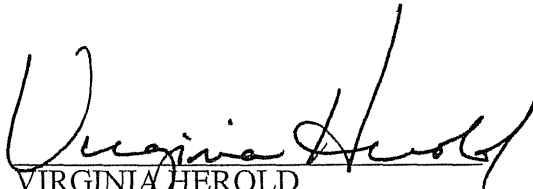
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

16 1. Revoking or suspending Pharmacy Technician Registration No.
17 TCH 58541, issued to Monica Iris Leon.

18 2. Ordering Monica Iris Leon to pay the Board of Pharmacy the reasonable
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions
20 Code section 125.3;

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

22 DATED: 2/5/07

23 

24 VIRGINIA HEROLD
25 Interim Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California

Complainant

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL R. GRANEN, State Bar No. 63350
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3013

12 MONICA IRIS LEON

STATEMENT TO RESPONDENT

13 Respondent.

[Gov. Code §§ 11504, 11505(b)]

14
15 TO RESPONDENT:

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

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

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

26 **Michael R. Granen**
Deputy Attorney General
Ronald Reagan Building
27 **300 South Spring Street, Suite 1702**
Los Angeles, CA 90013
28

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, 320 West Fourth Street, Suite 630, Los
12 Angeles, CA 90013, 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.

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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 Michael R. Granen at the earliest opportunity.

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

In the Matter of the Accusation Against:

MONICA IRIS LEON

Respondent.

Case No. 3013

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.

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

In the Matter of the Accusation Against:

Case No. 3013

MONICA IRIS LEON

NOTICE OF DEFENSE

Respondent.

[Gov. Code §§ 11505 and 11506]

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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.

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL R. GRANEN, State Bar No. 63350
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
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Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Michael.Granen@doj.ca.gov
7

Attorneys for Complainant

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

11 In the Matter of the Accusation Against: Case No. 3013
12 MONICA IRIS LEON **REQUEST FOR DISCOVERY**
13 Respondent. [Gov. Code § 11507.6]
14

15 TO RESPONDENT:

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

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

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

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

3 a. A statement of a person, other than the Respondent, named in the initial
4 administrative pleading, or in any additional pleading, when it is claimed that the act or
5 omission of the Respondent as to this person is the basis for the administrative
6 proceeding;

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

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

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

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

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

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

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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.

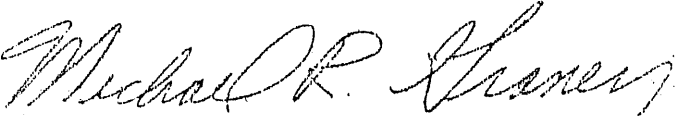
Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

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: 2/23/07

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

GLORIA A. BARRIOS
Supervising Deputy Attorney General



MICHAEL R. GRANEN
Deputy Attorney General

Attorneys for Complainant

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

SECTION 11507.5: Exclusivity of discovery provisions

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

SECTION 11507.6: Request for discovery

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

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

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

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

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

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

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

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

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

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

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

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

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

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

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

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

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

In the Matter of the Accusation Against:
Monica Iris Leon

Board of Pharmacy Case No. 3013

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 February 23, 2007, I served the attached **Accusation, Statement to Respondent, Notice of Defense, Request for Discovery, Government Code sections** 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 **Accusation, Statement to Respondent, Notice of Defense, Request for Discovery, Government Code sections** 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:

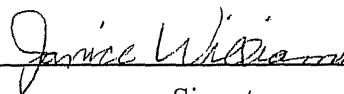
Monica Iris Leon
1015 N. Siesta Ave.
La Puente, CA- 91746

Certified Mail Number
7001 0360 0003 6708 9479

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 February 23, 2007, at Los Angeles, California.

Janice E. Williams

Typed Name



Signature

Exhibit B
Receipt of Certified Mail

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Monica Iris Leon
1015 N. Siesta Ave.
La Puente, CA 91746

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

1 Pats Leon 3-24

C. Signature

X *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)

7001 0360 0003 6708 9479

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Exhibit C
March 20, 2007 Letter

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013
Public: (213) 897-2000
Telephone: (213) 897-2537
Facsimile: (213) 897-2804
E-Mail: Michael.Granen@doj.ca.gov

March 20, 2007

Monica Iris Leon
1015 N. Siesta Ave.
La Puente, CA 91746

Monica Iris Leon
2694 East Garvey Avenue South, No. 7
West Covina, CA 91791

RE: In the Matter of the Accusation Against: Monica Iris Leon
Board of Pharmacy Case No.: 3013

Dear Ms. Leon:

This will confirm our telephone call of March 20, 2007 that you have received the Accusation and accompanying documents served on you and that you do not intend to file a notice of defense in this matter. I informed you that failure to file a notice of defense will result in your Pharmacy Technician Registration being revoked in a default decision by the Board of Pharmacy.

You also informed me that you were living at a new address: 2694 East Garvey Avenue South, No. 7, West Covina, CA 91791 (phone 909-622-0701). I informed you that you were required to notify the Pharmacy Board of any change in address within 30 days. You stated that the La Puente address is your mothers address and that you are still able to obtain mail at this address and that you did not intend to change your address of record with the Board.

This matter will be processed as a default. You can expect to receive a default decision by mail in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Granen", written over the word "Sincerely,".

MICHAEL R. GRANEN
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

MRG:
60205251.wpd