

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

2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General

3 DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General

4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101

6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2611  
Facsimile: (619) 645-2061

8 Attorneys for Complainant  
9

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

13 In the Matter of the Accusation Against:

Case No. 3100

14 SUSAN CHRISTENSEN  
901 Santa Fe Run Road  
15 Kyle, Texas 78640

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

16 Technician License No. TCH 20826

17 Respondent.  
18

19 **FINDINGS OF FACT**

20 1. On or about August 17, 2007, Complainant Virginia Herold, in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
22 filed Accusation No. 3100 against Susan Christensen (Respondent) before the Board of  
23 Pharmacy.

24 2. On or about December 3, 1996, the Board of Pharmacy (Board) issued  
25 Technician License No. TCH 20826 to Respondent. The Technician License was in full force  
26 and effect at all times relevant to the charges brought herein and will expire on April 30, 2008,  
27 unless renewed.

28 ///

1                   3.       On or about August 21, 2007, Mona Sebastian, an employee of the  
2 Department of Justice, served by Certified Mail a copy of the Accusation No. 3100, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 901  
5 Santa Fe Run Road, Kyle, Texas 78640. A copy of the Accusation, the related documents, and  
6 Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

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

9                   5.       On or about August 29, 2007, the Certified Mail postal receipt was  
10 returned to this office with an indecipherable signature. Neither the documents nor the envelopes  
11 were ever returned to this office. A copy of the receipt returned by the post office is attached as  
12 exhibit B, and is incorporated herein by reference.

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

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

18                   7.       Respondent failed to file a Notice of Defense within 15 days after service  
19 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
20 Accusation No. 3100.

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

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

26                   9.       The total costs for investigation and enforcement of this action are  
27 \$2,923.75 as of September 24, 2007. Of this total, \$1,185.75 are the Attorney General's costs for  
28 enforcement (Exhibit C: Certification of Costs - Declaration of Diane de Kervor) and \$1,738.75

1 are the Board's costs for investigation of this case (Exhibit D).

2 10. Pursuant to its authority under Government Code section 11520, the Board  
3 finds Respondent is in default. The Board will take action without further hearing and, based on  
4 Respondent's express admissions by way of default and the evidence before it, contained in  
5 exhibits A, B, C, and D finds that the allegations in Accusation No. 3100 are true.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Susan Christensen  
8 has subjected her Technician License No. TCH 20826 to discipline.

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

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

12 4. The Board of Pharmacy is authorized to revoke Respondent's Technician  
13 License based upon the following violations allegations in the accusation.  
14 in the Accusation:

15 A. Unprofessional conduct - dispensing medication while under the  
16 influence of controlled substances pursuant to section 4301(j);

17 B. Unprofessional conduct - using dangerous drugs in a manner  
18 dangerous to others pursuant to section 4301(h); and

19 C. Unprofessional conduct - possessing controlled substances  
20 pursuant to section 4301(j).

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ORDER

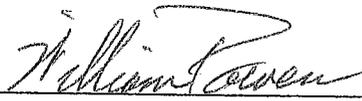
IT IS SO ORDERED that Technician License No. TCH 20826, heretofore issued to Respondent Susan Christensen, is revoked.

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 December 20, 2007.

It is so ORDERED November 20, 2007

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
WILLIAM POWERS  
Board President

80166588.wpd  
DOJ docket number:SD2007801615

Attachments:

- Exhibit A: Accusation No. 3100, Related Documents, and Declaration of Service
- Exhibit B: Copy of Certified Mail Receipt Returned by Post Office
- Exhibit C: Certification of Costs: Declaration of Diane de Kervor
- Exhibit D: Pharmacy Board Costs

Exhibit A  
Accusation No. 3100,  
Related Documents and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARGARET ANN LAFKO  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
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9 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3100

13 SUSAN CHRISTENSEN  
14 901 Santa Fe Run Road  
Kyle, Texas 78640

**A C C U S A T I O N**

15 Pharmacy Technician License No. TCH 20826

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about December 3, 1996, the Board of Pharmacy issued Pharmacy  
23 Technician License Number TCH 20826 to Susan Christensen (Respondent). The Technician  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on April 30, 2008, unless renewed.

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1 JURISDICTION AND STATUTORY AUTHORITY

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

5 4. Code section 118, subdivision (b), states, in pertinent part, that the  
6 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
7 action during the period within which the license may be renewed, restored, reissued or  
8 reinstated.

9 5. Section 4022 of the Code states:

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

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

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

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

20 6. Section 4060 of the Code states:

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



1 DRUGS

2 11. Methamphetamine is a dangerous drug pursuant to section 4022 and a  
3 controlled substance pursuant to Health and Safety Code section 11055(d)(2).

4 12. Amphetamine is a dangerous drug pursuant to section 4022 and a  
5 controlled substance pursuant to Health and Safety Code section 11055(d)(1).

6 13. Marijuana, generic name Cannabinoid, is a dangerous drug pursuant to  
7 section 4022 and a controlled substances pursuant to Health and Safety Code section  
8 11054(d)(13).

9 FACTS SUPPORTING CAUSES FOR DISCIPLINE

10 14. Respondent worked as a Pharmacy Technician for Kaiser Permanente  
11 Pharmacy, located at 1630 East Main Street, El Cajon, California, from January 27, 1997 to  
12 February 21, 2006.

13 15. On February 9, 2006, Respondent was working at the pharmacy when she  
14 was observed swaying back and forth, as though she were falling asleep, and her speech was  
15 incoherent and slurred. Her initials, required for the filling of a prescription, were illegible.  
16 Because she appeared to be impaired, she was asked to be tested for substance abuse.  
17 Respondent consented to be tested for drugs. A blood draw and urine specimen were  
18 subsequently obtained and Respondent was sent home from work in a cab.

19 16. The tests were sent to a non-Kaiser laboratory for analysis and came back  
20 positive for marijuana, amphetamine, and methamphetamine.

21 17. On February 14, 2007, Respondent met with her supervisors, including the  
22 Pharmacy Manager M.S., regarding the test results and admitted to using marijuana and  
23 methamphetamine.

24 18. On February 21, 2006, Respondent was terminated from her position at  
25 Kaiser.

26 19. On March 14, 2007, Pharmacy Manager M.S. notified the Board that  
27 Respondent was terminated and the cause of the termination.

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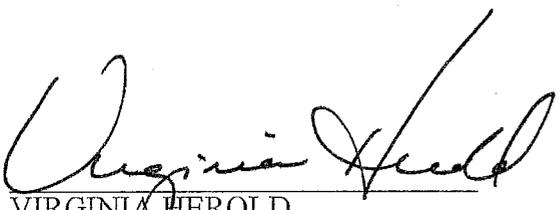
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PRAYER

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 Technician License Number TCH 20826, issued to Susan Christensen.
2. Ordering Susan Christensen 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: 8/17/07



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

SD2007801615

80145127.wpd

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
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13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 3100

14 SUSAN CHRISTENSEN

**REQUEST FOR DISCOVERY**

15 Respondent.

[Gov. Code § 11507.6]

16  
17 TO RESPONDENT:

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

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

- 24 1. Provide the names and addresses of witnesses to the extent known to the  
25 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and  
26 2. Provide an opportunity for the Complainant to inspect and make a copy of any of  
27 the following in the possession or custody or under control of the Respondent:

28 ///

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

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

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

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

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

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

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

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

1 work product.

2 Your response to this Request for Discovery should be directed to the undersigned  
3 attorney for the Complainant at the address on the first page of this Request for Discovery **within**  
4 **30 days after service** of the Accusation.

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

8 DATED: August 21, 2007.

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

10 LINDA K. SCHNEIDER  
11 Supervising Deputy Attorney General

12  
13   
14 DIANE DE KERVOR  
15 Deputy Attorney General

16 Attorneys for Complainant

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13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 3100

14 SUSAN CHRISTENSEN

**STATEMENT TO RESPONDENT**

15 Respondent.

[Gov. Code §§ 11504, 11505(b)]

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17  
18 TO RESPONDENT:

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

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

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

1                   **Diane De Kervor**  
2                   **Deputy Attorney General**  
3                   **110 West "A" Street, Suite 1100**  
4                   **San Diego, California 92101**

5                   **P.O. Box 85266**  
6                   **San Diego, California 92186-5266.**

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

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

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

16                   The hearing may be postponed for good cause. If you have good cause, you are  
17 obliged to notify the Office of Administrative Hearings, 1350 Front Street, Suite 6022, San  
18 Diego, CA 92101, within ten (10) working days after you discover the good cause. Failure to  
19 notify the Office of Administrative Hearings within ten (10) days will deprive you of a  
20 postponement.

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

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

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**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 Diane De Kervor at the earliest opportunity.

DATED: August 21, 2007.

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

LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
\_\_\_\_\_  
DIANE DE KERVOR  
Deputy Attorney General

Attorneys for Complainant

80157146.wpd

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

In the Matter of the Accusation Against:

SUSAN CHRISTENSEN

Respondent.

Case No. 3100

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

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

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

DATED: \_\_\_\_\_

Respondent's Name \_\_\_\_\_

Respondent's Signature \_\_\_\_\_

Respondent's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Respondent's Telephone Number \_\_\_\_\_

**Check appropriate box:**

- I do not consent to electronic reporting.

The hearing in this case will be electronically reported/recorded, unless you check the above-left box to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearing and on counsel for Complainant by fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

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

Counsel's Name \_\_\_\_\_

Counsel's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Counsel's Telephone Number \_\_\_\_\_

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

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

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

In the Matter of the Accusation Against:

SUSAN CHRISTENSEN

Respondent.

Case No. 3100

**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.

80157146.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.

\*\*\*\*\*

DECLARATION OF SERVICE BY CERTIFIED MAIL

Case Name: **In the Matter of the Accusation Against: SUSAN CHRISTENSEN**

Case No.: **3100**

I declare:

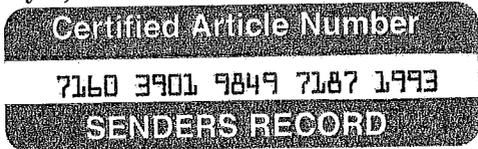
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **August 21, 2007**, I served the attached

**ACCUSATION, STATEMENT TO RESPONDENT, NOTICE  
OF DEFENSE (2 COPIES), REQUEST FOR DISCOVERY,  
and 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, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Susan Christensen  
901 Santa Fe Run Road  
Kyle, Texas 78640



**COURTESY COPY:**  
Kim deLong, Enforcement Analyst  
Board of Pharmacy  
1625 North Market Boulevard, Ste. N-219  
Sacramento, CA 95834

I declare under penalty of perjury under the law of the State of California the foregoing is true and correct and that this declaration was executed on **August 21, 2007**, at San Diego, California.

MONA S. SEBASTIAN

Declarant

A handwritten signature in cursive script, appearing to read "Kim deLong".

Signature

7160 3901 9849 7187 1993

**TO:** Susan Christensen  
901 Santa Fe Run Road  
Kyle, Texas 78640

**SENDER:** Diane De Kervor

**REFERENCE:** SD2007801615  
Christensen - Acc. Pkt.

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

US Postal Service

**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do Not Use for International Mail

POSTMARK OR DATE

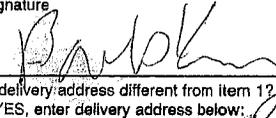
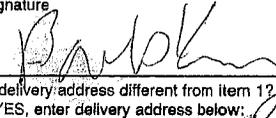
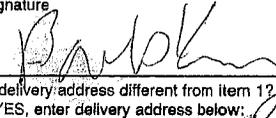
<p>2. Article Number</p>  <p>7160 3901 9849 7187 1993</p>	<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">A. Received by (Please Print Clearly)</td> <td style="width: 50%; padding: 2px;">B. Date of Delivery 8/25/07</td> </tr> <tr> <td colspan="2" style="padding: 2px;">C. Signature X </td> </tr> <tr> <td colspan="2" style="padding: 2px;">D. Is delivery address different from Item 1? If YES, enter delivery address below:</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Agent</td> <td style="padding: 2px;"><input type="checkbox"/> Addressee</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Yes</td> <td style="padding: 2px;"><input type="checkbox"/> No</td> </tr> </table>	A. Received by (Please Print Clearly)	B. Date of Delivery 8/25/07	C. Signature X 		D. Is delivery address different from Item 1? If YES, enter delivery address below:		<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee	<input type="checkbox"/> Yes	<input type="checkbox"/> No
A. Received by (Please Print Clearly)	B. Date of Delivery 8/25/07										
C. Signature X 											
D. Is delivery address different from Item 1? If YES, enter delivery address below:											
<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee										
<input type="checkbox"/> Yes	<input type="checkbox"/> No										
<p>3. Service Type <b>CERTIFIED MAIL</b></p>											
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>											
<p>1. Article Addressed to:</p> <p style="text-align: center;"><b>Susan Christensen</b>  <b>901 Santa Fe Run Road</b>  <b>Kyle, Texas 78640</b></p> <p style="text-align: right;"><i>SD2007801615</i>  <i>Diane De Kervor</i></p> <p style="text-align: center;"><i>Christensen - Acc. Pkt.</i></p>											
<p>PS Form 3811, January 2005 <span style="float: right;">Domestic Return Receipt</span></p>											

Exhibit B

Copy of Receipt Returned by Post Office

Exhibit C

Certification of Costs: Declaration of Diane de Kervor

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101

6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2611  
Facsimile: (619) 645-2061

8 Attorneys for Complainant  
9

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

13 In the Matter of the Accusation Against:  
14 SUSAN CHRISTENSEN  
901 Santa Fe Run Road  
15 Kyle, Texas 78640  
16 Technician License No. TCH 20826  
17 Respondent.  
18

Case No. 3100

**CERTIFICATION OF COSTS;  
DECLARATION BY DIANE DE  
KERVOR, DEPUTY ATTORNEY  
GENERAL**

19 I, Diane de Kervor, declare:

20 1. I am a Deputy Attorney General employed by the California Department of  
21 Justice (DOJ), Office of the Attorney General (Office). I am assigned to the Licensing Section in  
22 the Civil Division of this Office. I have been designated as the representative to certify the costs  
23 of prosecution by DOJ and incurred by the Pharmacy Board in this case. I make this  
24 certification in my office capacity and as an officer of the court.

25 ///  
26 ///  
27 ///  
28 ///

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DIANE DE KERVOR, State Bar No. 174721  
Deputy Attorney General  
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10 **BEFORE THE**  
**BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 3100

14 SUSAN CHRISTENSEN  
901 Santa Fe Run Road  
15 Kyle, Texas 78640

**CERTIFICATION OF COSTS;  
DECLARATION BY DIANE DE  
KERVOR, DEPUTY ATTORNEY  
GENERAL**

16 Technician License No. TCH 20826

17 Respondent.  
18

19 I, Diane de Kervor, declare:

20 1. I am a Deputy Attorney General employed by the California Department of  
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23 of prosecution by DOJ and incurred by the Pharmacy Board in this case. I make this  
24 certification in my office capacity and as an officer of the court.

25 ///

26 ///

27 ///

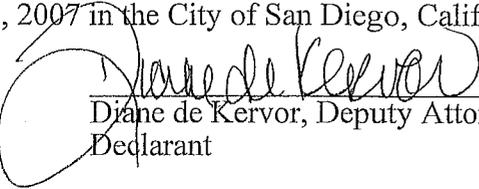
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2. I have carefully read the DOJ Matter Time Activity Report attached hereto. It accurately summarizes my personal knowledge of the time spent working on the case.

I declare under penalty of perjury that the foregoing is true and correct and if called to testify thereto I could competently do so.

Executed on October 5, 2007 in the City of San Diego, California.

  
Diane de Kervor, Deputy Attorney General  
Declarant

Attachment: DOJ Matter Time Activity Report



**Matter Time Activity By Professional Type**

As Of 9/24/2007

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj?	Strmn Date
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Matter ID: SD2007801615 Date Opened: 06/26/2007  
Description: Christensen, Susan, TCH

Professional Type: ATTORNEY

Fiscal Year: 2007-2008

Professional: Diane De Kervor

800288798	07/02/07	CV-LIC:110	03583	Pleading Preparation	2.50	\$158.00	\$395.00		07/31/07
800294865	07/30/07	CV-LIC:110	03583	Client Communication	0.50	\$158.00	\$79.00		07/31/07
800300314	08/20/07	CV-LIC:110	03583	Case Management	0.25	\$158.00	\$39.50		08/31/07
800303784	09/04/07	CV-LIC:110	03583	Case Management	0.25	\$158.00	\$39.50		
800305075	09/06/07	CV-LIC:110	03583	Client Communication	0.25	\$158.00	\$39.50		
800305435	09/10/07	CV-LIC:110	03583	Case Management	0.25	\$158.00	\$39.50		
800308860	09/24/07	CV-LIC:110	03583	Pleading Preparation	1.00	\$158.00	\$158.00		
<b>Diane De Kervor Totals:</b>							<b>\$790.00</b>		

Professional: Linda K. Schneider

800288877	07/02/07	CV-LIC:110	03583	Supervisory Review	0.25	\$158.00	\$39.50		07/31/07
<b>Linda K. Schneider Totals:</b>							<b>\$39.50</b>		
<b>2007-2008 Totals:</b>							<b>\$829.50</b>		

Fiscal Year: 2006-2007

Professional: Diane De Kervor

800287838	06/28/07	CV-LIC:110	03583	Case Management	0.25	\$158.00	\$39.50		06/30/07
800288556	06/29/07	CV-LIC:110	03583	Pleading Preparation	2.00	\$158.00	\$316.00		06/30/07
<b>Diane De Kervor Totals:</b>							<b>\$355.50</b>		
<b>2006-2007 Totals:</b>							<b>\$355.50</b>		

**ATTORNEY Totals: \$1,185.00**

**SD2007801615 Totals: \$1,185.00**

Exhibit D  
Pharmacy Board Costs



**California State Board of Pharmacy**  
1625 N. Market Blvd, Suite N 219, Sacramento, CA 95834  
Phone (916) 574-7900  
Fax (916) 574-8618  
www.pharmacy.ca.gov

STATE AND CONSUMERS AFFAIRS AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
ARNOLD SCHWARZENEGGER, GOVERNOR

**CERTIFICATION OF COSTS  
OF INVESTIGATION  
BY AGENCY EXECUTIVE OFFICER**

I, Virginia Herold, declare that I am the Executive Officer of the Board of Pharmacy, and in that capacity certify pursuant to the provisions of the Business and Professions Code Sections 4350 and 4359, that I filed Accusation Number **3100** against **Susan Christensen**, who holds the pharmacy technician registration number **TCH 20826**.

**CERTIFICATION OF COSTS INCURRED**

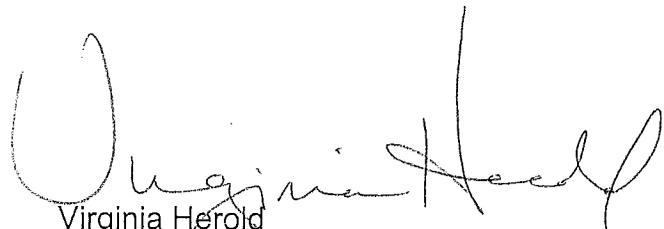
In my capacity as the Executive Officer, I review and approve payment for costs incurred by the Board of Pharmacy in the enforcement of the laws and regulations under its jurisdiction. I have reviewed the records of the agency and these reflect that the following costs and fees have been incurred by the agency in connection with the investigation of Accusation Number **3100**.

1. Inspector's costs for 26.75 hours at \$65.00 per hour	\$ 1,738.75
<b>Total Investigative Costs</b>	<b>\$ 1,738.75</b>

**CERTIFICATION**

I certify pursuant to the provisions of Section 125.3 of the Business and Professions Code of the State of California that, to the best of my knowledge, the foregoing statement of costs incurred by the Board of Pharmacy is true and correct and that the amounts set forth therein do not exceed the actual and reasonable costs of investigation and prosecution in Case Number **3100**.

Dated: September 28, 2007

  
Virginia Herold  
Executive Officer