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5.	BEFORI	ETHE		
6	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS			
7	STATE OF CA			
8	In the Matter of the Accusation Against:	Case No. 3348		
9	MELINDA S. PAGUIRIGAN	OAH No. 2009091097		
10	4064 Montgomery Hill Drive Antioch, California 94531	DEFAULT DECISION AND ORDER		
11	Pharmacy Technician License No. TCH 51809			
12	[Gov. Code, §11520]			
13	Respondent.			
14 15	FINDINGS OF FACT			
	1. On or about July 28, 2009, Complainant Virginia Herold, in her official capacity as			
16				
17	the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), filed			
18	Accusation No. 3348 against Melinda S. Paguirigan (Respondent) before the Board of Pharmacy.			
19	2. On or about October 10, 2003, the Board issued Pharmacy Technician License No.			
20	TCH 51809 to Respondent. The Pharmacy Technician License was in full force and effect at all			
21	times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.			
22	3. On or about July 30, 2009, Fe M. Domingo, an employee of the Department of			
23	Justice, served by Certified and First Class Mail a copy of Accusation No. 3348, along with a			
24	Statement to Respondent, two copies of a Notice of Defense, a Request for Discovery, and copies			
25	of Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record			
26	with the Board, which was and is: 4064 Montgom	ery Hill Drive, Antioch, California 94531. A		
27	copy of the Accusation is attached as exhibit A, ar	nd is incorporated herein by reference.		
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DEFAULT DECISION AND ORDER (Case No. 3348; OAH No. 2009091097)

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

5. On or about August 12, 2009, Respondent signed and returned a Notice of Defense. requesting a hearing in this matter. On or about October 2, 2009, a Notice of Hearing was served by both Certified and First Class Mail to Respondent's address of record, informing her that an administrative hearing in this matter was scheduled for December 17, 2009. Respondent failed to appear at that hearing. Copies of the Notice of Defense and the Notice of Hearing are attached as exhibit B, and incorporated herein by reference. In addition, on or about October 5, 2009, the 8 Certified Mail Return Receipt card was returned to the Department of Justice, dated October 3, 9 2009 for the receipt of the Notice of Hearing, with a signature from a recipient with the same last 10 name as Respondent. A copy of the Certified Mail Return Receipt card is included in exhibit B.

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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 15 right to a hearing, but the agency in its discretion may nevertheless grant a hearing. 16

17

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 18 19 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. 20

8. Pursuant to its authority under Government Code section 11520, the Board finds 21 Respondent is in default. The Board will take action without further hearing and, based on the 22 evidence on file herein, finds that the allegations in Accusation No. 3348 are true. 23

9. The total costs for investigation and enforcement in connection with the Accusation 24 and First Amended Accusation are \$12,015.25 as of December 18, 2009. 25

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DETERMINATION OF ISSUES

Based on the foregoing findings of fact, Respondent Melinda S. Paguirigan has 27 1. subjected her Pharmacy Technician License No. TCH 51809 to discipline. 28

DEFAULT DECISION AND ORDER (Case No. 3348; OAH No. 2009091097)

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- A copy of the Accusation is attached.

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The agency has jurisdiction to adjudicate this case by default.

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

a. In violation of Business and Professions Code section 4301(f), Respondent engaged in actions involving moral turpitude, dishonesty, fraud, deceit or corruption when she, on at least the occasion of April 26, 2008, diverted/stole from the Rite Aid Pharmacy in which she worked as a pharmacy technician, at least two (2) bottles, containing 100 tablets each, of **oxycodone**containing drugs (one brand **Oxycontin** and one generic **oxycodone**) and at least nine (9) bottles, also of 100 tablets each, of **hydrocodone**-containing drugs (one bottle of brand **Norco** and eight bottles of generic **Hydrocodone with APAP 10/325**, the generic equivalent of **Norco**);

b. In violation of Business and Professions Code section 4301(h), Respondent admitted that the drugs taken as described in paragraph 4(a) above were for purposes of self-use, and thus on April 26, 2008 and/or on prior or subsequent occasion(s) Respondent self-administered a controlled substance and/or used alcoholic beverages in a dangerous or injurious manner;

c. In violation of Business and Professions Code sections 4301(j), 4301(o) and/or 4059,
and/or Health and Safety Code section 11170, by way of the actions described in paragraphs 4(a)
and 4(b) above, Respondent furnished to herself or another without a valid prescription, and/or
conspired to furnish without a prescription, and/or assisted or abetted furnishing of without a
prescription, a controlled substance.

d. In violation of Business and Professions Code sections 4301(j), 4301(o) and/or 4060,
and/or Health and Safety Code section 11350, by way of the actions described in paragraphs 4(a)
and 4(b) above, Respondent possessed, conspired to possess, and/or assisted in or abetted
possession of, a controlled substance, without a prescription;

e. In violation of Business and Professions Code sections 4301(j), 4301(o) and/or Health
and Safety Code section(s) 11170 and/or 11550, by way of the actions described in paragraphs
4(a) and 4(b) above, Respondent self-administered/used, conspired to self-administer/use, and/or
assisted in or abetted self-administration use of, a controlled substance, without a prescription;

1	f. In violation of Business and Professions Code sections 4301(j), 4301(o) and/or Health		
2	and Safety Code section 11173(a), by way of the actions described in paragraphs 4(a) and 4(b)		
3	above, Respondent obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a		
4	controlled substance, by fraud, deceit, subterfuge, or concealment of material fact;		
5	g. In violation of Business and Professions Code section 4301, by way of the actions		
6	described in paragraph(s) 4(a) to 4(f) above, Respondent engaged in unprofessional conduct.		
7			
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9	ORDER		
10	IT IS SO ORDERED that Pharmacy Technician License No. TCH 51809, heretofore issued		
11	to Respondent Melinda S. Paguirigan, is revoked.		
12	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a		
13	written motion requesting that the Decision be vacated and stating the grounds relied on within		
14	seven (7) days after service of the Decision on Respondent. The agency in its discretion may		
15	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.		
16	This Decision shall become effective on April 8, 2010.		
17	It is so ORDERED March 9, 2010.		
18	Benneth H. Scheel		
19 20	KENNETH H. SCHELL, BOARD PRESIDENT FOR THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
21	DEPARTMENT OF CONSUMER AFFAIRS		
22	default decision_LIC.rtf		
23	DOJ docket number:SF2009403658 Attachments:		
24	Exhibit A: Accusation No.3348		
25	Exhibit B: Notice of Defense, Notice of Hearing (with service documents)		
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	DEFAULT DECISION AND ORDER (Case No. 3348; OAH No. 2009091097)		

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Exhibit A Accusation No. 3348

Exhibit B Notice of Defense, Notice of Hearing (with service documents)

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• []			
1	EDMUND G. BROWN JR. Attorney General of California		
2	FRANK H. PACOE Supervising Deputy Attorney General		
3	Joshua A. Room		
4	Deputy Attorney General State Bar No. 214663		
. 5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004		
6	Telephone: (415) 703-1299 Facsimile: (415) 703-5480		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against MELINDA S. PAGUIRIGAN Case No. 3348		
12	4064 Montgomery Hill Drive Antioch, California 94531		
13	Pharmacy Technician		
. 14	License No. TCH 51809		
15	Respondent.		
16			
17	Complainant alleges:		
18	PARTIES		
19	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
20	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
21 -	2. On or about October 10, 2003, the Board of Pharmacy issued Pharmacy Technician		
22	License Number TCH 51809 to Melinda S. Paguirigan (Respondent). The Pharmacy Technician		
23	License was in full force and effect at all times relevant to the charges brought herein and will		
24	expire on April 30, 2011, unless renewed.		
25	JURISDICTION		
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
27	Consumer Affairs, under the authority of the following laws. All section references are to the		
28	Business and Professions Code (Code) unless otherwise indicated.		
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	Accusation		

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not renewed within three years following its expiration may not be renewed, restored, or reinstated and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of the Code provides that any other license issued by the Board may be canceled by the Board if not renewed within 60 days after its expiration, and any license canceled in this fashion may not be reissued but will instead require a new application to seek reissuance.

STATUTORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be 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, of any other state, or of the United
States regulating controlled substances and dangerous drugs.

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

8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished upon a valid prescription/drug order.

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

11. Health and Safety Code section 11173, subdivision (a), provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure 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. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess any controlled substance listed in Schedule II (Health and Safety Code section 11055),
subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

14 13. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any
15 person to use or be under the influence of, *inter alia*, any narcotic drug in Schedules III-V, except
16 when administered by or under the direction of an authorized licensee.

17 14. 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 of the licensing
act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

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CONTROLLED SUBSTANCES / DANGEROUS DRUGS

15. Section 4021 of the Code states:

22 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section
23 11053) of Division 10 of the Health and Safety Code."

24

16. Section 4022 of the Code states, in pertinent part:

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

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

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

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Oxycontin, Percocet, and Roxicodone are among the brand names for compounds or 17. drugs containing or consisting entirely of **oxycodone**, a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(N) and a dangerous drug as designated by Business and Professions Code section 4022. These are narcotic drugs.

18. Norco, Vicodin, Vicodin ES, Lortab, and Lorcet are among the brand names for compounds of varying dosages of acetaminophen (aka APAP) and hydrocodone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by Business and Professions Code section 4022. The varying compounds are also known generically as Hydrocodone with APAP. These are narcotic drugs.

FACTUAL BACKGROUND

19. For an unknown time period prior to and including May 21, 2008, Respondent was employed as a pharmacy technician at a RiteAid Pharmacy (PHY 45256) in Antioch, CA.

20. On at least one occasion during her employment, Respondent took advantage of her 16 access to controlled substances and/or dangerous drugs to divert/steal same from the pharmacy. The total number of occasions on which diversions were undertaken is not known, nor is the total 18 quantity of drugs diverted. However, as Respondent subsequently admitted, on or about May 21, 19 2008 during an interview with RiteAid investigators, on or about April 26, 2008 Respondent had 20 taken/stolen at least two (2) bottles, containing 100 tablets each, of oxycodone-containing drugs 21 (one brand **Oxycontin** and one generic **oxycodone**) and also on that date she had taken/stolen at 22 least nine (9) bottles, also of 100 tablets each, of hydrocodone-containing drugs (one 100 bottle 23 of brand Norco and eight 100 bottles of generic Hydrocodone with APAP 10/325). Respondent 24 further admitted that she took/stole the drugs for purposes of self-administration 25

A controlled substance audit subsequently performed by RiteAid Pharmacy for the 26 21. period between May 1, 2007 and June 4, 2008 showed losses including 1,300+ missing tablets of 27 oxycodone-containing drugs and 4,500+ missing tablets of hydrocodone-containing drugs. 28

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1	FIRST CAUSE FOR DISCIPLINE			
2	(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)			
3	22. Respondent is subject to discipline under section 4301(f) of the Code in that			
4	Respondent, as described in paragraphs 19 and 20 above, committed acts involving moral			
5	turpitude, dishonesty, fraud, deceit, or corruption.			
6	SECOND CAUSE FOR DISCIPLINE			
7	(Self-Administration of Controlled Substance)			
8	23. Respondent is subject to discipline under section 4301(h) of the Code, in that			
9	Respondent, as described in paragraphs 19 and 20 above, administered one or more controlled			
10	substances to herself, including oxycodone- and/or hydrocodone-containing products.			
11	THIRD CAUSE FOR DISCIPLINE			
12	(Furnishing of Controlled Substance)			
13	24. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section			
14	4059 of the Code, and/or Health and Safety Code section 11170 in that Respondent, as described			
15	in paragraphs 19 and 20 above, furnished to herself or another without a valid prescription, and/or			
16	conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.			
17	FOURTH CAUSE FOR DISCIPLINE			
18	(Possession of Controlled Substance)			
19	25. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section			
20	4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described			
21	in paragraphs 19 and 20 above, possessed, conspired to possess, and/or assisted in or abetted			
22	possession of, a controlled substance, without a prescription.			
23	FIFTH CAUSE FOR DISCIPLINE			
24	(Self-Administration/Use of Controlled Substance)			
25	26. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,			
26	and/or Health and Safety Code section(s) 11170 and/or 11550, in that Respondent, as described in			
27	paragraphs 19 and 20 above, self-administered/used, conspired to self-administer/use, and/or			
28	assisted in/abetted self-administration/use, of a controlled substance, without prescription.			
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1	SIXTH CAUSE FOR DISCIPLINE			
2	(Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)			
3	27. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,			
4	and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs			
5	19 and 20 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a			
6	controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.			
7	SEVENTH CAUSE FOR DISCIPLINE			
8	(Unprofessional Conduct)			
9	28. Respondent is subject to discipline under section 4301 of the Code in that			
10	Respondent, as described in paragraphs 19 to 27 above, engaged in unprofessional conduct.			
11				
12	PRAYER			
13	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,			
14	and that following the hearing, the Board of Pharmacy issue a decision:			
15	1. Revoking or suspending Pharmacy Technician License Number TCH 51809, issued			
16	to Melinda S. Paguirigan (Respondent);			
17	2. Ordering Respondent to pay the Board reasonable costs of the investigation and			
18	enforcement of this case, pursuant to Business and Professions Code section 125.3;			
19	3. Taking such other and further action as is deemed necessary and proper.			
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22	Tholes (). all 11			
23	DATED:			
24	Executive Officer Board of Pharmacy			
25	Department of Consumer Affairs State of California			
26	Complainant			
27	SF2009403658			
28	40335491.doc			
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	Accusation			

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Exhibit B

Notice of Defense, Notice of Hearing (with service documents)

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

TI III TIMINAL ON WAY I LOODDOUDIN THAT	In	the	Matter	of the	Accusation	Again	S 1
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Case No. 3348

MELINDA S. PAGUIRIGAN

Respondent.

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:	8/12/09	1
Respondent's Name: 👘 🐜	Melinda Baguirigan	
Respondent's Signature:	Milina Tables	
Respondent's Mailing Address:	4064 Montgomen Hill Drive	
City, State and Zip Code:	Antich Ct 94331	
Respondent's Telephone:	(925) 565-4369	

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 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.

SF2009403658 40360501.DOC

1	EDMUND G. BROWN JR.			
2	Attorney General of California FRANK H. PACOE			
3	Supervising Deputy Attorney General Joshua A. ROOM			
4	Deputy Attorney General State Bar No. 214663 455 Golden Gate Avenue, Suite 11000			
5	San Francisco, CA 94102-7004			
6	Telephone: (415) 703-1299 Facsimile: (415) 703-5480 Attorneys for Complainant			
7		RE THE		
8	BOARD OF	PHARMACY		
9		ONSUMER AFFAIRS CALIFORNIA		
10	In the Matter of the Accusation Against:	Case No. 3348		
11	MELINDA S. PAGUIRIGAN	OAH No. 2009091097		
12	Respondent. NOTICE OF HEARING			
13	[Gov. Code § 11509]			
14	Hearing: Thursday, December 17, 2009			
15				
16	YOU ARE HEREBY NOTIFIED that a hearing in this matter will commence on			
17	Thursday, December 17, 2009 at 9:00 a.m. before an Administrative Law Judge at			
18	Office of Administrative Hearings			
19	1515 Clay Street, Suite 206 Oakland, CA 94612.			
20	The hearing will be conducted before the Board of Pharmacy, Department of Consumer			
21	Affairs by an Administrative Law Judge of the Office of Administrative Hearings, upon the			
22	charges made in Accusation No. 3348 served upon you.			
23	If you object to the place of hearing, you must notify the presiding officer within ten (10)			
24	days after this notice is served on you. Failure to notify the presiding officer within ten (10) days			
25	will deprive you of a change in the place of hearing.			
26	You may be present at the hearing. You have the right to be represented by an attorney at			
27	your own expense. You are not entitled to the a	ppointment of an attorney to represent you at		
28	public expense. You are entitled to represent yo	urself without legal counsel. You may present		
	1			
	NOTI	CE OF HEARING (Case No. 3348; OAH No. 2009091097)		

. (* - any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to the Office of Administrative Hearings, 1515 Clay Street, Suite 206, Oakland, CA 94612, telephone: (510) 622-2722.

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INTERPRETER: Pursuant to section 11435.20 of the Government Code, the hearing shall be conducted in the English language. If a party or a party's witness does not proficiently speak or understand the English language and before commencement of the hearing requests language assistance, an agency subject to the language assistance requirement in section 11435.15 of the Government Code shall provide a certified interpreter or an interpreter approved by the administrative law judge conducting the proceedings. The cost of providing the interpreter shall be paid by the agency having jurisdiction over the matter if the administrative law judge or hearing officer so directs, otherwise by the party for whom the interpreter is provided. If you or a witness require the assistance of an interpreter, ample advance notice of this fact should be given to the Office of Administrative Hearings so that appropriate arrangements can be made.

CONTINUANCES: Under section 11524 of the Government Code, the agency may grant a 16 continuance, but when an administrative law judge of the Office of Administrative Hearings has 17 been assigned to the hearing, no continuance may be granted except by him or her or by the 18 presiding Administrative Law Judge for good cause. When seeking a continuance, a party shall 19 apply for the continuance within ten (10) working days following the time the party discovered or 20 reasonably should have discovered the event or occurrence which establishes good cause for the 21 continuance. A continuance may be granted for good cause after the ten (10) working days have 22 lapsed only if the party seeking the continuance is not responsible for and has made a good faith 23 24 effort to prevent the condition or event establishing the good cause.

Continuances are not favored. If you need a continuance, <u>immediately</u> write or call the
Office of Administrative Hearings: 1515 Clay Street, Suite 206, Oakland, CA 94612 telephone:
(510) 622-2722.



DECLARATION OF SERVICE (Certified and First Class Mail)

In the Matter of the Accusation Against: *Melinda S. Paguirigan* Agency Case No. **3348** OAH No. **2009091097**

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 October 2, 2009, I served the attached **Notice of Hearing** 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 same document(s) 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 at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

> Melinda S. Paguirigan 4064 Montgomery Hill Drive Antioch, California 94531

Centilied Article Number 7160 3901 9848 3692 9524 Senders hero; id

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 October 2, 2009at San Francisco, California.

FE M. DOMINGO Typed Name

7160 3901 9848 3692 9524

TO:

Melinda S. Paguirigan 4064 Montgomery Hill Drive Antioch, California 94531

SENDER: JAR

REFERENCE:

SF2009403658

PS Form 3800, January 2005

RETURN	Postage		
RECEIPT	Certified Fee		
SERVICE	Return Receipt Fee		
	Restricted Delivery		
	Total Postage & Fees	3	
US Postal Service		POSTMARK OR DATE	
Receipt for			
Certified Mail			
No Insurance Covarage Provided Do Not Use for International Mail			

2. Article Number 7160 3901 9848 3692 9524	COMPLETE THIS SECTION ON DELIVERY A. Received by (Please Print Clearly) B. Date of Delivery C. Signature X. John Manual Addressee D. Is delivery address different from 4dem 1? If YES, enter delivery address below: No
3. Service Type CERTIFIED MAIL	
4. Restricted Delivery? (Extra Fee) Yes 1. Arade Addressed to:	
Melinda S. Paguirigan 4064 Montgomery Hill Drive Antioch, California 94531	SF2009403658 JAR
PS Form 3811, January 2005 Domestic	Return Receipt