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

11 In the Matter of the Accusation Against:

Case No. 2682

12 THERESA DRESEN COOMES
13 446 Madera Avenue #2
14 Sunnyvale, California 94086

**DEFAULT DECISION
AND ORDER**

14 Pharmacy Technician Registration No.
15 TCH 19637

[Gov. Code, §11520]

16 Respondent.

17
18 FINDINGS OF FACT

19 1. On or about February 6, 2004, Complainant Patricia F. Harris, in her official
20 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs,
21 filed Accusation No. 2682 against Theresa Dresen Coomes before the Board of Pharmacy.

22 2. On or about July 8, 1996, the Board issued Pharmacy Technician Registration No.
23 TCH 19637 to Respondent. The Registration was in full force and effect at all times relevant to the
24 charges brought herein, expired on May 31, 2004, and has not been renewed.

25 3. On or about February 18, 2004, Florita Mapalo, an employee of the Department
26 of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2682, Statement to
27 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
28 11507.6 and 11507.7 to Respondent's address of record with the Board, which was and is 446 Madera
Avenue #2, Sunnyvale, CA 94086. On or about October 21, 2004, Gracie Johnston an employee of the

1 Department of Justice, served by Certified and First Class Mail, copies of these same documents to the
2 same address of record. A copy of the Accusation is attached as exhibit A, and is incorporated herein by
3 reference.

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

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

7 “(c) The Respondent shall be entitled to a hearing on the merits if the Respondent files
8 Notice of Defense, and the notice shall be deemed a specific denial of all parts of the Accusation not
9 expressly admitted. Failure to file a Notice of Defense shall constitute a waiver of Respondent’s right to
10 a hearing, but the agency in its discretion may nevertheless grant a hearing.”

11 6. Respondent failed to file a Notice of Defense within 15 days after service upon
12 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2682.

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

14 “(a) If the Respondent either fails to file a Notice of Defense or to appear at the hearing,
15 the agency may take action based upon the Respondent’s express admissions or upon other evidence and
16 affidavits may be used as evidence without any notice to Respondent.”

17 8. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on
19 Respondent’s express admissions by way of default and the evidence before it, contained in exhibit A,
20 finds that the allegations in Accusation No. 2682 are true.

21 9. The total costs for investigation and enforcement are \$3,855.50 as of December 3,
22 2004.

23 DETERMINATION OF ISSUES

24 1. Based on the foregoing findings of fact, Respondent Theresa Dresen Coomes has
25 subjected her Pharmacy Technician Registration No. TCH 19637 to discipline.

26 2. The agency has jurisdiction to adjudicate this case by default.

27 3. The Board of Pharmacy is authorized to revoke Respondent’s Pharmacy
28 Technician Registration based upon the following violations alleged in the Accusation:

1 a. Business and Professions Code section 4060 and Health and Safety Code
2 sections 11350(a), 11170 and 11173(a)(1)(2) – possessed and furnished controlled substances to
3 herself without a prescription.

4 b. Business and Professions Code section 4301(f), dishonesty, fraud, deceit
5 and corruption.

6 ORDER

7 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 19637, heretofore
8 issued to Respondent Theresa Dresen Coomes, is revoked.

9 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
10 written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7)
11 days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision
12 and grant a hearing on a showing of good cause, as defined in the statute.

13 The Decision shall become effective on May 4, 2005.

14 It is so ORDERED April 4, 2005.

15
16 BOARD OF PHARMACY
17 DEPARTMENT OF CONSUMER AFFAIRS
18 STATE OF CALIFORNIA

19 By



20 STANLEY GOLDENBERG
21 Board President
22
23
24
25
26
27
28

1 BILL LOCKYER, Attorney General
of the State of California
2 DIANN SOKOLOFF, State Bar No. 161082
Deputy Attorney General
3 California Department of Justice
1515 Clay Street, 20th Floor
4 P.O. Box 70550
Oakland, CA 94612-0550
5 Telephone: (510) 622-2212
Facsimile: (510) 622-2270

6 Attorneys for Complainant
7

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

10
11 In the Matter of the Accusation Against:
12 **THERESA DRESDEN COOMES**
446 Madera Avenue #2
13 Sunnyvale, CA 94086
14 **Pharmacy Technician License No. TCH 19637**
15 Respondent.

Case No. 03 2682

STATEMENT TO RESPONDENT

[Gov. Code §§ 11503, 11505, subd. (b)]

16
17 TO RESPONDENT:

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

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

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

28 ///

1 **Diann Sokoloff**
2 **Deputy Attorney General**
3 **1515 Clay Street, 20th Floor**
4 **P.O. Box 70550**
 Oakland, California 94612-0550.

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

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

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

14 The hearing may be postponed for good cause. If you have good cause, you are
15 obliged to notify the Office of Administrative Hearings, 1515 Clay Street, Suite 206, Oakland,
16 California 94612, within ten (10) working days after you discover the good cause. Failure to
17 notify the Office of Administrative Hearings within ten (10) days will deprive you of a
18 postponement.

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

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

25 **NOTICE REGARDING STIPULATED SETTLEMENTS**

26 It may be possible to avoid the time, expense and uncertainties involved in an
27 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
28 settlement is a binding written agreement between you and the government regarding the matters

1 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
2 Board of Pharmacy but, once approved, it would be incorporated into a final order.

3 Any stipulation must be consistent with the Board's established disciplinary
4 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the
5 Board's Disciplinary Guidelines is enclosed.

6 If you are interested in pursuing this alternative to a formal administrative hearing,
7 or if you have any questions, you or your attorney should contact Deputy Attorney General Diann
8 Sokoloff at the earliest opportunity.

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12 Matter ID: SF2003400422
13 statement to respondent.2-17-04

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1 BILL LOCKYER, Attorney General
of the State of California
2 DIANN SOKOLOFF, State Bar No. 161082
Deputy Attorney General
3 California Department of Justice
1515 Clay Street, Suite 2000
4 Oakland, California 94612
Telephone: (510) 622-2212
5 Facsimile: (510) 622-2270

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 03 2682

12 THERESA DRESEN COOMES
446 Madera Avenue #2
13 Sunnyvale, CA 94086
Pharmacy Technician License No. TCH 19637

A C C U S A T I O N

14 Respondent.
15

16
17 Complainant alleges:

18 1. Complainant Patricia F. Harris, is the Executive Officer of the California State
19 Board of Pharmacy, (hereinafter "the Board") and brings this accusation solely in her official
20 capacity.

21 2. On or about July 8, 1996, the Board issued Pharmacy Technician License No.
22 TCH 19637 to Theresa Dresen Coomes ("respondent"). This license has continued in full force
23 and effect and will expire on May 31, 2004, unless renewed.

24 STATUTES

25 3. Business and Professions Code section 118 provides that the Board retains
26 jurisdiction to institute disciplinary proceedings after the expiration or forfeiture of a license by
27 operation of law, during any period in which it may be renewed.

28 4. Business and Professions Code section 4300 provides that every license issued

1 by the Board may be suspended or revoked.

2 5. Business and Professions Code section 4301 provides in pertinent part that the
3 Board shall take action against any holder of a license or permit who is guilty of unprofessional
4 conduct. Unprofessional conduct shall include, but is not limited to:

5 “(f) The commission of any act involving moral turpitude, dishonesty, fraud,
6 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
7 otherwise, and whether the act is a felony or misdemeanor or not. [¶]

8 “(j) The violation of the statutes of this state or of the United States regulating
9 controlled substances and dangerous drugs.”

10 6. Business and Professions Code section 4022 defines a dangerous drug as
11 follows:

12 “‘Dangerous drug’ means any drug unsafe for self-medication, except veterinary
13 drugs which are labeled as such, and includes the following:

14 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
15 without prescription,’ ‘RX only,’ or words of similar import.

16 “(b) Any device which bears the statement: ‘Caution: federal law restricts this
17 device to sale by or on the order of a _____,’ ‘RX only,’ or words of similar import, the blank to
18 be filled in with the designation of the practitioner licensed to use or order use of the device.

19 “(c) Any other drug or device which by federal or state law can be lawfully
20 dispensed only on prescription or furnished pursuant to section 4006.”

21 7. Business and Professions Code section 4060 provides in pertinent part that,
22 “no person shall possess any controlled substance, except that furnished to a person upon the
23 prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug
24 order issued by . . . a nurse practitioner pursuant to Section 2836.1 or a physician assistant
25 pursuant to Section 3502.1.”

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

28 9. Health and Safety Code section 11173(a)(1)(2) provides in pertinent part that,

1 no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
2 the administration of or prescription for controlled substances by fraud, deceit, misrepresentation,
3 or subterfuge or by concealment of a material fact.

4 10. Health and Safety Code section 11350(a) provides in pertinent part that, it is
5 unlawful to possess a controlled substance unless upon the legitimate and lawful written
6 prescription of a licensed physician, dentist, podiatrist or veterinarian.

7 11. Business and Professions Code section 125.3 provides, in pertinent part, that
8 the Board may request the administrative law judge to direct a licentiate found to have committed
9 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
10 investigation and enforcement of the case.

11 DRUGS

12 12. Vicodin is a dangerous drug as defined by Section 4022(a) of the Business
13 and Professions Code. It is a narcotic analgesic combination of hydrocodone bitartrate, a
14 narcotic analgesic and acetaminophen, an analgesic (5 mg/500 mg or 7.5 mg/750 mg), and is a
15 Schedule III controlled substance as defined by Health and Safety Code section 11056 and Title
16 21, Code of Federal Regulations section 1308.13.

17 13. Vicoprofen is a dangerous drug as defined by Section 4022(a) of the Business
18 and Professions Code. It is a narcotic analgesic combination of hydrocodone bitartrate, a
19 narcotic analgesic and ibuprofen, a nonsteroidal anti-inflammatory drug that relieves pain and
20 decreases inflammation (7.5 mg/200 mg). Vicoprofen is a Schedule III controlled substance as
21 defined by Health and Safety Code section 11056 and Title 21, Code of Federal Regulations
22 section 1308.13.

23 CAUSES FOR DISCIPLINE

24 14. Respondent is subject to disciplinary action in that on or about November 6,
25 2002, respondent admitted to unlawfully removing one bottle of Vicodin containing one hundred
26 (100) tablets and one bottle of Vicoprofen containing at least one hundred (100) tablets from
27 Long's Pharmacy Store #192, Sunnyvale, California, where she was employed as a pharmacy
28 technician. The bottles of Vicodin and Vicoprofen, were removed by respondent from the

1 pharmacy where she was employed for personal use.

2 15. Respondent's conduct as set forth in paragraph 16 constitutes the commission
3 of acts involving moral turpitude, dishonesty, fraud, and deceit and is cause for disciplinary
4 action pursuant to Business and Professions Code section 4301(f).

5 16. Respondent's conduct as set forth in paragraph 16 constitutes a violation of
6 the statutes regulating controlled substances and dangerous drugs, to wit: Health and Safety
7 Code sections 11350(a), 11170 and 11173(a)(1)(2), and Business and Professions Code section
8 4060, and is cause for disciplinary action pursuant to Business and Professions Code section
9 4301(j).

10 PRAYER

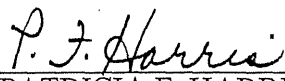
11 WHEREFORE, complainant requests that the Board hold a hearing on the matters
12 alleged herein and, after the hearing issue a decision:

13 1. Revoking or suspending Pharmacy Technician License No. TCH 19637
14 heretofore issued by the Board;

15 2. Awarding the Board reasonable costs of investigation and prosecution of the
16 case as provided by Business and Professions Code section 125.3.

17 3. Taking such other and further action as the Board deems proper.

18 DATED: 2/6/04

19 
20 _____
21 PATRICIA F. HARRIS
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

27 Matter ID: SF2003400422
28 Accusation 1-16-04

1 BILL LOCKYER, Attorney General
of the State of California
2 DIANN SOKOLOFF, State Bar No. 161082
Deputy Attorney General
3 California Department of Justice
1515 Clay Street, 20th Floor
4 P.O. Box 70550
Oakland, CA 94612-0550
5 Telephone: (510) 622-2212
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 03 2682

12 **THERESA DRESDEN COOMES**
13 **446 Madera Avenue #2**
Sunnyvale, CA 94086

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

14 **Pharmacy Technician License No. TCH 19637**

15 Respondent.

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

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

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

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

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

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

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

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


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

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

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

7 DATED: _____

8
9 BILL LOCKYER, Attorney General
 of the State of California

10
11 
12 _____

13 DIANN SOKOLOFF
 Deputy Attorney General

14 Attorneys for Complainant

15 Matter ID: SF2003400422
16 Req for discover.wpt 2-17-04
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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

THERESA DRESDEN COOMES
446 Madera Avenue #2
Sunnyvale, CA 94086

Pharmacy Technician License No. TCH 19637

Respondent.

Case No. 03 2682

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 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:

THERESA DRESDEN COOMES
446 Madera Avenue #2
Sunnyvale, CA 94086

Pharmacy Technician License No. TCH 19637

Respondent.

Case No. 03 2682

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 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.

**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 AND FIRST CLASS MAIL

(Separate Mailings)

In the Matter of the Accusation Against: THERESA DRESDEN COOMES

Agency Case No. 03 2682

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 February 18, 2004, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery, Discovery Statutes and Disciplinary Guidelines** 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 (2 copies), Request for Discovery, Discovery Statutes and Disciplinary Guidelines** 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 1515 Clay Street, 20th Floor, P.O. Box 70550, Oakland, CA 94612-0550, addressed as follows:

THERESA DRESDEN COOMES
446 Madera Avenue, #2
Sunnyvale, CA 94086

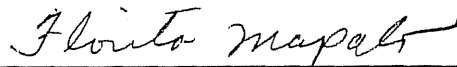
Certified mail number

7000-0520-0024-6474-6004

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 18, 2004, at Oakland, California.

Florita Mapalo

Typed Name



Signature

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

In the Matter of the Accusation Against: **THERESA DRESDEN COOMES**

Agency Case No. 03 2682

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.

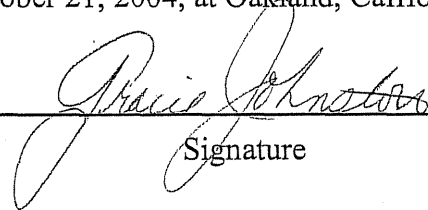
On October 21, 2004, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery, Discovery Statutes and Disciplinary Guidelines**, by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery, Discovery Statutes and Disciplinary Guidelines**, 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 1515 Clay Street, 20th Floor, P.O. Box 70550, Oakland, CA 94612-0550, addressed as follows:

Theresa Dresden Coomes
446 Madera Avenue, #2
Sunnyvale, CA 94086
Certified No. 7000 0520 0024 6377 4755

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 21, 2004, at Oakland, California.

Gracie Johnston

Typed Name



Signature