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of the State of California  
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7 Attorneys for Complainant  
8  
9

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

12 In the Matter of the Accusation Against:

Case No. 2689

13 NANCY LYNN WILDISH  
14 9265 Belvedere Street  
Spring Hill, Florida 34608

**DEFAULT DECISION  
AND ORDER**

15 Pharmacy Technician Registration  
16 No. TCH 18312

17 Respondent.  
18

19 **ACCUSATION**

20 1. On November 22, 2004, an administrative disciplinary proceeding,  
21 Accusation No. 2689, was filed by Patricia F. Harris, who was acting in her official capacity as  
22 the Executive Officer of the California State Board of Pharmacy, against NANCY LYNN  
23 WILDISH (hereinafter respondent WILDISH), holder of Pharmacy Technician Registration  
24 No. TCH 18312.

25 **SERVICE OF ACCUSATION**

26 2. On November 30, 2004, the Accusation, Case No. 2689, together with a  
27 Notice of Defense, a Statement to Respondent and a document entitled "Copy of Government  
28 Code Sections 11507.5, 11507.6 and 11507.7 Provided Pursuant to Government Code Sections

1 11504 and 11505," (hereinafter referenced as the "Accusation and jurisdictional documents")  
2 were served upon respondent WILDISH by first class and certified mail addressed to respondent  
3 at 26132 Lodgepole Court, Hemet, California 92544.

4 4. On January 24, 2005, the Accusation and jurisdictional documents were  
5 served upon respondent WILDISH by certified mail addressed to respondent at 9265 Belvedere  
6 Street, Spring Hill, Florida 34608.

7 5. On March 17, 2005, the Accusation and jurisdictional documents were  
8 served upon respondent WILDISH by first class mail addressed to respondent at 9265 Belvedere  
9 Street, Spring Hill, Florida 34608.

#### 10 JURISDICTION FOR DEFAULT

11 6. The California Pharmacy Law is set forth at Business and Professions  
12 Code section 4000 et seq. Business and Professions Code section 4001(a) provides that there is  
13 in the Department of Consumer Affairs a California State Board of Pharmacy.

14 7. Under Business and Professions Code section 4005(a), the California State  
15 Board of Pharmacy may by rule or regulation adopt rules and regulations, *inter alia*, for the  
16 proper and more effective enforcement and administration of the California Pharmacy Law. The  
17 regulations adopted by the Board appear in Title 16, California Code of Regulations, section  
18 1700, et seq., and shall be referred to herein as the "Board Regulations."

19 8. At all times material herein, Board Regulation 1704 has provided as  
20 follows:

21 Each person holding a certificate, license, permit,  
22 registration or exemption to practice or engage in any activity in  
23 the State of California under any and all laws administered by the  
24 Board shall file a proper and current residence address with the  
25 Board at its offices in Sacramento and shall within 30 days notify  
26 the Board at its said office of any and all changes of residence  
27 address, giving both the old and new address.

28 9. At all times material herein, Government Code section 11505(c) has  
provided, in pertinent part, that "Service (of the Accusation) by registered mail shall be effective  
if a statute or agency rule requires the respondent to file the respondent's address with the agency

1 and to notify the agency of any change, and if a registered letter containing the Accusation and  
2 accompanying materials is mailed, addressed to the respondent at the latest address on file with  
3 the agency."

4           10. Code of Civil Procedure section 11 provides that "(W)henever any notice  
5 or other communication is required by this code to be mailed by registered mail by or to any  
6 person or corporation, the mailing of such notice or other communication by certified mail shall  
7 be deemed to be a sufficient compliance with the requirement of law."

8           11. At all times material herein, the latest address of respondent WILDISH  
9 on file with the California State Board of Pharmacy has been 9265 Belvedere Street, Spring Hill,  
10 Florida 34608.

11           12. On January 24, 2005, respondent WILDISH was served with the  
12 Accusation and jurisdictional documents in Case No. 2689, in a manner authorized by  
13 Government Code section 11505(c) and Code of Civil Procedure section 11. Respondent  
14 WILDISH has failed to file a Notice of Defense as permitted by Government Code section  
15 11506(a), and has otherwise failed to request a hearing, object or otherwise contest the  
16 Accusation, Case No. 2689. Respondent has waived her right to a hearing on the Accusation  
17 and is in default. As a result of respondent's waiver, and pursuant to Government Code section  
18 11520(a), the California State Board of Pharmacy shall take action on the Accusation without a  
19 hearing, based upon the Accusation and the documentary evidence on file, and makes the  
20 following Findings of Fact and Determination of Issues.

21           13. The Accusation and jurisdictional documents, including the Declarations  
22 of Service By Mail showing service upon respondent WILDISH on January 24, 2005 and March  
23 17, 2005, are attached hereto as Exhibit A and incorporated herein by this reference.

24           14. The Postal Return showing that respondent WILDISH did not claim the  
25 service which was made by certified mail on January 24, 2005, is attached hereto as Exhibit B  
26 and incorporated herein by this reference.

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28 ///

## FINDINGS OF FACT

1  
2           1.       Complainant, Patricia F. Harris, is the Executive Officer of the California  
3 State Board of Pharmacy, and filed the Accusation, Case No. 2689, solely in her official capacity.

4           2.       On January 29, 1996, the California State Board of Pharmacy issued  
5 Pharmacy Technician Registration Number TCH 18312 to respondent NANCY LYNN  
6 WILDISH. The registration will expire on January 31, 2006, unless renewed.

7           3.       At all times material herein, hydrocodone with acetaminophen was  
8 designated by Health and Safety Code section 11056(e)(4) as a narcotic drug and a Schedule III  
9 controlled substance, and by Business and Professions Code section 4022 as a dangerous drug,  
10 and is used as a narcotic analgesic in the relief of pain.

11          4.       On or about January 25, 2000, respondent WILDISH was employed as a  
12 pharmacy technician by Sav-On Pharmacy. From September 12, 2002 to December 10, 2002,  
13 respondent worked as a pharmacy technician at Sav-On Pharmacy No. 9703, which is located  
14 in Temecula, California.

15          5.       From September 12, 2002 to December 9, 2002, while working as a  
16 pharmacy technician, respondent WILDISH diverted approximately 1,299 tablets of hydrocodone  
17 from Sav-On Pharmacy No. 9703. Respondent diverted and self-administered the hydrocodone  
18 for relief of back pain. On December 10, 2002, respondent signed a Promissory Note and  
19 Disclosure Statement in which she agreed to repay Sav-On the amount of \$453.16 as  
20 reimbursement for the diverted drugs.

21          6.       During the period of diversion, on November 21, 2002, respondent  
22 WILDISH completed a document entitled "Daily Physical Inventory Count Work Sheet." In the  
23 Work Sheet, respondent wrote that there were 663 tablets of hydrocodone 7.5/750 in Sav-On  
24 Pharmacy No. 9703, when there were actually 667 tablets of this controlled substance in the  
25 pharmacy. Respondent misrepresented the amount of hydrocodone in order to conceal her  
26 diversion of drugs from Sav-On Pharmacy No. 9703.

27          7.       The Investigation Report, No. CI 2002-24769, relating to the conduct  
28 of respondent WILDISH at Sav-On Pharmacy No. 9703 is attached hereto as Exhibit C, and

1 incorporated herein by this reference.

2  
3 **DETERMINATION OF ISSUES**

4 1. Based on the above Findings of Fact, cause for disciplinary action against  
5 respondent WILDISH exists for violating provisions of the California Pharmacy Law.

6 2. Cause for discipline exists pursuant to Business and Professions Code  
7 sections 4300 and 4301, for committing unprofessional conduct within the meaning of Business  
8 and Professions Code section 4301(j) (violation of statutes regulating controlled substances),  
9 through a violation of Business and Professions Code section 4060 and Health and Safety Code  
10 section 11173(a), by reason of Findings of Fact numbers 3, 4, 5 and 6.

11 3. Cause for discipline exists pursuant to Business and Professions Code  
12 sections 4300 and 4301, for committing unprofessional conduct within the meaning of Business  
13 and Professions Code section 4301(f) (commission of an act of moral turpitude), by reason of  
14 Findings of Fact numbers 3, 4, 5 and 6.

15 4. Cause for discipline exists pursuant to Business and Professions Code  
16 sections 4300 and 4301, for committing unprofessional conduct within the meaning of Business  
17 and Professions Code section 4301(g) (making a document that falsely represents facts), by  
18 reason of Findings of Fact numbers 3, 4, 5 and 6.

19 5. Cause for discipline exists pursuant to Business and Professions Code  
20 sections 4300 and 4301, for committing unprofessional conduct within the meaning of Business  
21 and Professions Code section 4301(h) (use of controlled substances dangerous to self and others),  
22 by reason of Findings of Fact numbers 3, 4, 5 and 6.

23 6. Pursuant to Business and Professions Code section 4307(a), respondent  
24 WILDISH shall be prohibited from serving as a manager, administrator, owner, member, officer,  
25 director, associate or partner of any licensee with rights issued by the California State Board of  
26 Pharmacy.

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1 **DISCIPLINARY ORDER**

2 **WHEREFORE, IT IS ORDERED:**

3 Original Pharmacy Technician Registration Number TCH 18312, issued to  
4 NANCY LYNNE WILDISH, is hereby revoked pursuant to Determination of Issues numbers 2,  
5 3, 4 and 5, separately, and for all of them.

6 Respondent NANCY LYNNE WILDISH is prohibited from serving as a manager,  
7 administrator, owner, member, officer, director, associate, or partner of a licensee, pursuant to  
8 Determination of Issues number 6.

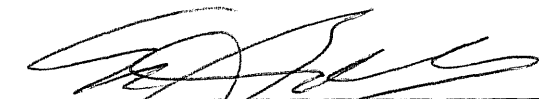
9 Pursuant to Government Code section 11520, subdivision (c), respondent  
10 NANCY LYNNE WILDISH may serve a written motion requesting that the Decision be vacated  
11 and stating the grounds relied on within seven (7) days after service of the Decision on  
12 respondent. The California State Board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

14  
15 This Default Decision shall become effective on \_\_\_\_\_ June 3 \_\_\_\_\_,  
16 2005.

17  
18 DATED: \_\_\_\_\_ May 4 \_\_\_\_\_, 2005.

19  
20 BOARD OF PHARMACY  
21 DEPARTMENT OF CONSUMER AFFAIRS  
22 STATE OF CALIFORNIA

23 By



24 STANLEY W. GOLDENBERG  
25 Board President  
26  
27  
28

Exhibit A

Accusation No. 2689,  
Jurisdictional Documents and Declaration of Service

1 BILL LOCKYER, Attorney General  
of the State of California  
2 TIMOTHY L. NEWLOVE, State Bar No. 73428  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
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9 **BEFORE THE**  
10 **CALIFORNIA STATE BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2689

13 NANCY LYNNE WILDISH  
26132 Lodgepole Court  
14 Hemet, CA 92544

**ACCUSATION**

15 Pharmacy Technician Registration  
No. TCH 18312

16 Respondent.  
17

18  
19 The Complainant, Patricia F. Harris, for cause of accusation against NANCY  
20 LYNNE WILDISH, alleges as follows:

21 **PARTIES**

22 1. The Complainant, Patricia F. Harris, is the Executive Officer of the  
23 California State Board of Pharmacy (hereinafter the "Board"), and makes this Accusation solely  
24 in her official capacity.

25 2. On or about January 29, 1996, the Board issued Original Pharmacy  
26 Technician Registration Number TCH 18312 to respondent NANCY LYNNE WILDISH  
27 (hereinafter respondent "WILDISH"). At all times material herein, respondent WILDISH was  
28 and currently is licensed by the Board as a pharmacy technician. The registration expires on



1 January 31, 2006, unless renewed.

2 **JURISDICTION**

3 3. Complainant brings this Accusation under the power vested in the Board  
4 in Business and Professions Code section 4300(a) to suspend or revoke licenses issued by the  
5 Board pursuant to the California Pharmacy Act, Chapter 9, Division 2, section 4000 et seq., of  
6 the Business and Professions Code.

7 **FACTS**

8 4. At all times material herein, hydrocodone with acetaminophen was  
9 designated by Health and Safety Code section 11056(e)(4) as a narcotic drug and a Schedule III  
10 controlled substance, and by Business and Professions Code section 4022 as a dangerous drug,  
11 and is used as a narcotic analgesic in the relief of pain.

12 5. On or about January 25, 2000, respondent WILDISH was employed as a  
13 pharmacy technician by Sav-on Pharmacy. From September 12, 2002 to December 10, 2002,  
14 respondent worked as a pharmacy technician at Sav-on Pharmacy No. 9703, which is located in  
15 Temecula, California.

16 6. From September 12, 2002 to December 9, 2002, while working as a  
17 pharmacy technician, respondent WILDISH diverted approximately 1,299 tablets of  
18 hydrocodone from Sav-on Pharmacy No. 9703. Respondent diverted and self-administered the  
19 hydrocodone for relief of back pain. On December 10, 2002, respondent signed a Promissory  
20 Note and Disclosure Statement in which she agreed to repay Sav-on the amount of \$453.16 as  
21 reimbursement for the diverted drugs.

22 7. During the period of diversion, on November 21, 2002, respondent  
23 WILDISH completed a document entitled "Daily Physical Inventory Count Work Sheet." In the  
24 Work Sheet, respondent wrote that there were 663 tablets of hydrocodone 7.5/750  
25 in Sav-on Pharmacy No. 9703, when there were actually 667 tablets of this controlled substance  
26 in the pharmacy. Respondent misrepresented the amount of hydrocodone in order to conceal  
27 her diversion of drugs from Sav-on Pharmacy No. 9703.

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Violation of Statutes Regulating Controlled Substances)

3 8. Complainant incorporates herein by this reference the preamble and each  
4 of the allegations set forth in paragraphs 1 through 7 hereinabove.

5 9. Business and Professions Code section 4060 provides, in pertinent part,  
6 that no person shall possess any controlled substance, except that furnished to a person upon the  
7 prescription of a physician, dentist, podiatrist, or veterinarian.

8 10. Health and Safety Code section 11173(a) provides, in pertinent part, that  
9 no person shall obtain, or attempt to obtain, controlled substances by fraud, deceit,  
10 misrepresentation, or subterfuge.

11 11. Business and Professions Code section 4301 provides that the Board shall  
12 take action against any licensee who is guilty of unprofessional conduct.

13 12. Business and Professions Code section 4301(j) provides that  
14 unprofessional conduct for a pharmacy technician includes the violation of any statutes of this  
15 state regulating controlled substances.

16 13. The pharmacy technician registration held by respondent WILDISH is  
17 subject to discipline under Business and Professions Code sections 4300 and 4301, for  
18 committing unprofessional conduct within the meaning of Business and Professions Code section  
19 4301(j), in that, by diverting hydrocodone from Sav-on Pharmacy No. 9703, as described in  
20 paragraph 6 hereinabove, respondent violated Business and Professions Code section 4060 and  
21 Health and Safety Code section 11173(a), statutes that regulate controlled substances in this state.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Commission of Act of Moral Turpitude)

24 14. Complainant incorporates herein by this reference the preamble and each  
25 of the allegations set forth in paragraphs 1 through 7 and 11 hereinabove.

26 15. Business and Professions Code section 4301(f) provides that  
27 unprofessional conduct for a pharmacy technician includes the commission of any act involving  
28 moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the

1 course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or  
2 not.

3 16. The pharmacy technician registration held by respondent WILDISH is  
4 subject to discipline under Business and Professions Code sections 4300 and 4301, for  
5 committing unprofessional conduct within the meaning of Business and Professions Code section  
6 4301(f), in that, by diverting hydrocodone while she was working as a pharmacy technician at  
7 Sav-on Pharmacy No 9703, as described in paragraph 6 hereinabove, respondent committed acts  
8 of moral turpitude, dishonesty, fraud, deceit or corruption.

9 **THIRD CAUSE FOR DISCIPLINE**

10 (Falsely Representing Facts)

11 17. Complainant incorporates herein by this reference the preamble and each  
12 of the allegations set forth in paragraphs 1 through 7 and 11 hereinabove.

13 18. Business and Professions Code section 4301(g) provides that  
14 unprofessional conduct for a pharmacy technician includes knowingly making or signing any  
15 certificate or other document that falsely represents the existence or nonexistence of a state of  
16 facts.

17 19. The pharmacy technician registration held by respondent WILDISH is  
18 subject to discipline under Business and Professions Code sections 4300 and 4301, for  
19 committing unprofessional conduct within the meaning of Business and Professions Code section  
20 4301(g), in that, respondent made a Daily Physical Inventory Count Worksheet in which she  
21 falsely represented the number of hydrocodone 7.5/750 in Sav-on Pharmacy No. 9703 as of  
22 November 21, 2002, as described in paragraph 7 hereinabove.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 (Dangerous Use of Controlled Substances)

25 20. Complainant incorporates herein by this reference the preamble and each  
26 of the allegations set forth in paragraphs 1 through 7 and 11 hereinabove.

27 21. Business and Professions Code section 4301(h) provides that  
28 unprofessional conduct for a licensee under the California Pharmacy Act includes:



1 Board of Pharmacy was and is a board within the Department of Consumer Affairs of the State of  
2 California. Pursuant to Business and Professions Code section 125.3, the Board hereby requests  
3 the Administrative Law Judge who issues a Proposed Decision in this matter to include an Order  
4 which provides for the recovery by the Board of the costs of investigation and enforcement of  
5 this case against respondent WILDISH, according to proof.

6  
7 **WHEREFORE**, Complainant prays that a hearing be had and that the Board of  
8 Pharmacy make its Order:


9 1. Revoking or suspending Original Pharmacy Technician Registration  
10 Number TCH 18312 issued to respondent NANCY LYNNE WILDISH.

11 2. Prohibiting respondent NANCY LYNNE WILDISH from serving as a  
12 manager, administrator, owner, member, officer, director, associate, or partner of a licensee,  
13 pursuant to the provisions of Business and Professions Code section 4307(a).

14 3. Directing respondent NANCY LYNNE WILDISH to pay the California  
15 State Board of Pharmacy the reasonable costs of the investigation and prosecution of this matter  
16 pursuant to Business and Professions Code section 125.3, according to proof.

17 4. Taking such further action as is deemed necessary and proper.

18  
19 DATED: 11/22/04

20  
21   
22 PATRICIA F. HARRIS  
23 Executive Officer  
24 California State Board of Pharmacy  
25 Department of consumer Affairs

26  
27 Attorneys for Complainant  
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1 BILL LOCKYER, Attorney General  
of the State of California  
2 TIMOTHY L. NEWLOVE, State Bar No. 73428  
Deputy Attorney General  
3 California Department of Justice  
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10 **BEFORE THE**  
11 **BOARD OF PHARMACY**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2689

14 NANCY LYNNE WILDISH

**REQUEST FOR DISCOVERY**

15 Respondent.

[Gov. Code § 11507.6]

16  
17  
18 TO RESPONDENT:

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

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

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

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 ///

1 is privileged from disclosure by law or otherwise made confidential or protected as attorney's  
2 work product.

3 Your response to this Request for Discovery should be directed to the undersigned  
4 attorney for the Complainant at the address on the first page of this Request for Discovery **within**  
5 **30 days after service** of the Accusation.

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

9  
10 DATED: November 30, 2004.

11 BILL LOCKYER, Attorney General  
12 of the State of California

13 *T. L. Newlove (ms)*

14 TIMOTHY L. NEWLOVE  
15 Deputy Attorney General

16 Attorneys for Complainant  
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1 BILL LOCKYER, Attorney General  
of the State of California  
2 TIMOTHY L. NEWLOVE, State Bar No. 73428  
Deputy Attorney General  
3 California Department of Justice  
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10 **BEFORE THE**  
**BOARD OF PHARMACY**  
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**STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

Case No. 2689

13 NANCY LYNNE WILDISH

**STATEMENT TO RESPONDENT**

14 Respondent.

[Gov. Code §§ 11504, 11505(b)]  
15

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 Timothy L. Newlove, within  
22 fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you,  
23 you will be deemed to have waived your right to a hearing in this matter and the Board may  
24 proceed upon 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                   **Timothy L. Newlove**  
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, 320 West Fourth Street, Suite 630, Los  
18 Angeles, California 90013, within ten (10) working days after you discover the good cause.  
19 Failure to 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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///



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

In the Matter of the Accusation Against:

NANCY LYNNE WILDISH

Respondent.

Case No. 2689

**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:

NANCY LYNNE WILDISH

Respondent.

Case No. 2689

**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**

Case Name: **NANCY LYNNE WILDISH**

No.:2689

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 **November 30, 2004**, 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 San Diego, addressed as follows:

Nancy Wildish  
26132 Lodgepole Court  
Hemet, CA 92544  
7003 1680 0006 9084 9555

**COURTESY COPY:**

Patricia Harris  
Executive Officer  
400 R Street, Suite 4070  
Sacramento, California 95814  
**FIRST CLASS MAIL**

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 **November 30, 2004**, at San Diego, California.

MONA S. SEBASTIAN

Declarant



Signature



**U.S. Postal Service™**  
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Sent To  
 Street, Apt. No.,  
 or PO Box No.      **NANCY WILDISH**  
                                  **26132 LODGEPOLE COURT**  
 City, State, ZIP+4      **HEMET CA 92544**

5555 4084 9555  
 4084 9555  
 9555 4084  
 4084 9555

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name:     **NANCY LYNNE WILDISH**

Case No.:     **2689**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar which member's direction this service is made. I am 18 years of age and 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 January 6, 2005, 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 with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at San Diego, addressed as follows:

**Nancy Wildish  
26132 Lodgepole Court  
Hemet, CA 92544**

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 January 6, 2005, at San Diego, California.

Veronica R. Cruz

Declarant



Signature

**DECLARATION OF SERVICE BY CERTIFIED MAIL**

Case Name: **NANCY LYNNE WILDISH**

No.:2689

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 **January 24, 2005**, 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 San Diego, addressed as follows:

Nancy Wildish  
9265 Belvedere Street  
Spring Hill, Florida 34608

**COURTESY COPY:**

Patricia Harris  
Executive Officer  
400 R Street, Suite 4070  
Sacramento, California 95814

**FIRST CLASS MAIL**

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 **January 24, 2005**, at San Diego, California.

\_\_\_\_\_  
MONA S. SEBASTIAN

Declarant

\_\_\_\_\_  


Signature

7004 1350-0005, 6243 3654

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
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Sent To

Street, Apt. No.,  
or PO Box No.      **NANCY WILDISH**  
                                 **9265 BELVEDERE STREET**

City, State, ZIP+4      **SPRING HILL FLORIDA 34608**

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **In the Matter of the Accusation**  
**Against: NANCY LYNNE WILDISH**

No. 2689

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar which member's direction this service is made. I am 18 years of age and 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 **March 17, 2005**, 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 with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at San Diego, addressed as follows:

**Nancy Wildish**  
**9265 Belvedere Street**  
**Spring Hill, Florida 34608**

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 **March 17, 2005**, at San Diego, California.

MONA S. SEBASTIAN

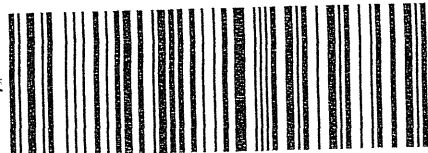
\_\_\_\_\_  
Declarant



\_\_\_\_\_  
Signature

Exhibit B  
Postal Return Documents

CERTIFIED MAIL



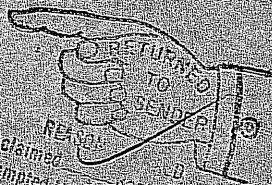
7004 1350 0005 6243 3654

ATTORNEY GENERAL  
SAN DIEGO

2005 MAR 14 AM 9:44



Found in supposedly empty equipment



REASON FOR RETURN

Unclaimed

Attempted not delivered

Insufficient address

No such street

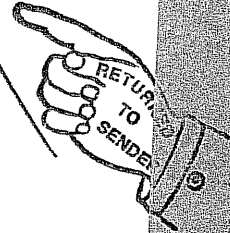
No such office in state

Do not remain in this office

~~RETURNED TO SENDER~~

STATE OF CALIFORNIA  
 DEPARTMENT OF JUSTICE  
 OFFICE OF ATTORNEY GENERAL  
 110 WEST A STREET, SUITE 1100  
 P.O. BOX 85266  
 SAN DIEGO, CA 92186-5266

NANCY WILDISH  
 9265 BELVEDERE STREET  
 SPRING HILL FLORIDA 34608



1st NOTICE 6-27  
 2nd NOTICE 2-07  
 RETURNED 2-11

LW  
 1/27