

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ASPASIA A. PAPAVASSILIOU, State Bar No. 196360  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-5547  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2763

11 CHARLOTTE JOYCE MASON

12 Respondent.

**DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

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16 **FINDINGS OF FACT**

17 1. On or about September 15, 2004, Complainant Patricia F. Harris, in her  
18 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
19 Affairs, filed Accusation No. 2763 against Charlotte Joyce Mason (Respondent) before the Board  
20 of Pharmacy.

21 2. On or about March 29, 2002, the Board of Pharmacy (Board) issued  
22 Pharmacy Technician Registration No. TCH 41848 to Respondent. The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on January 31, 2006, unless renewed.

25 3. On or about September 20, 2004, Ilene Stein, an employee of the  
26 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
27 2763, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
28 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,

1 which was and is 1725 Glenbrook Dr., Santa Rosa, CA 95401. A copy of the Accusation, the  
2 related documents, and Declaration of Service are attached as exhibit A, and are incorporated  
3 herein by reference.

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

6           5.       On or about September 24, 2004, the return receipt for the certified  
7 mailing was received at the Department of Justice. It lists the date of delivery as September 23  
8 and is signed "Charlotte Mason." A copy of the return receipt is attached hereto as exhibit B, and  
9 is incorporated herein by reference.

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

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

15           7.       Respondent failed to file a Notice of Defense within 15 days after service  
16 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
17 Accusation No. 2763.

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

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

23           9.       Pursuant to its authority under Government Code section 11520, the Board  
24 finds Respondent is in default. The Board will take action without further hearing and, based on  
25 Respondent's express admissions by way of default and the evidence before it, contained in  
26 exhibits A and B finds that the allegations in Accusation No. 2763 are true.

27           10.       The total costs for investigation and enforcement are \$4,492.00 as of  
28 October 27, 2004.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Charlotte Joyce  
3 Mason has subjected her Pharmacy Technician Registration No. TCH 41848 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of  
5 Service are attached.

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

7 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy  
8 Technician Registration based upon the following violations of the Business and Professions  
9 Code alleged in the Accusation:

10 a. Section 4301(f) – Dishonest/Fraudulent Acts

11 b. Section 4301(h) – Self-Administration of Controlled Substance

12 c. Section 4301(j) – Unlawful Possession of Controlled Substance

13 d. Section 4301(j) – Self-Administration of Controlled Substance

14 e. Section 4301(j) – Obtaining Controlled Substance by Fraud/Deceit

15 f. Section 4301(l) – Conviction of Substantially Related Crime.

16 **ORDER**

17 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 41848,  
18 heretofore issued to Respondent Charlotte Joyce Mason, is revoked.

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

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

In the Matter of the Accusation Against:

Case No. 2763

**Charlotte Joyce Mason**  
1725 Glenbrook Dr  
Santa Rosa, CA 95401

**DEFAULT DECISION AND ORDER**

Pharmacy Technician Registration No. TCH  
41848

Respondent.

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**DECISION AND ORDER**

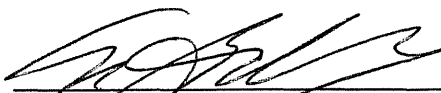
The attached Default Decision Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on January 5, 2005.

It is so ORDERED on December 6, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President

1 DOJ docket number:SF2004400287

2 Attachments:

3 Exhibit A: Accusation No.2763, Related Documents, and Declaration of Service  
4 Exhibit B: Postal Return Receipt

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Exhibit A  
Accusation No. 2763,  
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ASPASIA A. PAPAVASSILIOU, State Bar No. 196360  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2763

11 CHARLOTTE JOYCE MASON  
1725 Glenbrook Dr.  
12 Santa Rosa, CA 95401

OAH No.

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

13 Pharmacy Technician  
14 Registration No. TCH 41848

Respondent.

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16 Complainant alleges:

17 PARTIES

18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
20 Affairs.

21 2. On or about March 29, 2002, the Board of Pharmacy issued Pharmacy  
22 Technician Registration Number TCH 41848 to Charlotte Joyce Mason (Respondent). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on January 31, 2006, unless renewed.

25 JURISDICTION

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





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“(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . .

...  
“(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.

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

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

9. Section 4060 of the Code states:

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

“Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, or a physician assistant to order his or her own stock of dangerous drugs and devices.”

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1 10. Health and Safety Code section 11170 states:

2 “No person shall prescribe, administer, or furnish a controlled substance for  
3 [himself or herself].”

4 11. Health and Safety Code section 11173(a) states:

5 “(a) No person shall obtain or attempt to obtain controlled substances, or procure  
6 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
7 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”

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

12 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

13 13. Section 4021 of the Code states:

14 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing  
15 with Section 11053) of Division 10 of the Health and Safety Code.”

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

17 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for  
18 self-use, except veterinary drugs that are labeled as such, and includes the following:

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

21 ...

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

24 15. **Bontril®** is a brand name for phendimetrazine, a(n) stimulant/appetite  
25 suppressant, a Schedule III controlled substance as designated by Health and Safety Code section  
26 11056(b)(6), and a dangerous drug as designated by Business and Professions Code section 4022.

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1 FACTUAL BACKGROUND

2 16. Between approximately May 2002 and October 2003, while employed as a  
3 pharmacy technician at Longs Pharmacy # 362, located at 463 Stoney Point Road, in Santa Rosa,  
4 California (PHY # 39463) (hereinafter "Longs # 362"), on various unknown dates Respondent  
5 diverted/stole for personal use an unknown quantity of controlled substances, specifically up to  
6 10,900 capsules of Bontril®/phendimetrazine. The circumstances are as follows.

7 17. An internal audit demonstrated that for the audit period May 10, 2002 to  
8 October 30, 2003 (18 months), Longs # 362 experienced a loss of 10,900 Bontril® capsules.

9 18. A covert camera installed by Longs recorded Respondent taking bottle(s)  
10 of Bontril® from the stock of Longs # 362.

11 19. Respondent admitted to stealing at least 5,000 Bontril® capsules from  
12 Longs # 362 during the period in question, and admitted that the thefts were for personal use.  
13

14 FIRST CAUSE FOR DISCIPLINE

15 (Dishonest/Fraudulent Acts)

16 20. Respondent is subject to disciplinary action under section 4301(f) of the  
17 Code in that Respondent, between May 2002 and October 2003, as described in paragraphs 16-  
18 19, diverted/stole between 5,000 and 10,900 capsules of Bontril® from Longs # 362.  
19

20 SECOND CAUSE FOR DISCIPLINE

21 (Self-Administration of Controlled Substances)

22 21. Respondent is subject to disciplinary action under section 4301(h) of the  
23 Code in that Respondent, between May 2002 and October 2003, as described in paragraphs 16-  
24 19, administered to herself between 5,000 and 10,900 capsules of Bontril® (phendimetrazine), a  
25 controlled substance as designated by Health and Safety Code section 11056(b)(6).  
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THIRD CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substances)

22. Respondent is subject to disciplinary action under section 4301(j) of the Code in that Respondent, between May 2002 and October 2003, as described in paragraphs 16-19, possessed between 5,000 and 10,900 capsules of Bontril® (phendimetrazine), a controlled substance as designated by Health and Safety Code section 11056(b)(6), without a prescription or drug order from an authorized prescriber, in violation of section 4060 of the Code.

FOURTH CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substances)

23. Respondent is subject to disciplinary action under section 4301(j) of the Code in that Respondent, between May 2002 and October 2003, as described in paragraphs 16-19, administered to herself between 5,000 and 10,900 capsules of Bontril® (phendimetrazine), a controlled substance as designated by Health and Safety Code section 11056(b)(6), in violation of Health and Safety Code section 11170.

FIFTH CAUSE FOR DISCIPLINE

(Obtaining Controlled Substances By Fraud or Deceit)

24. Respondent is subject to disciplinary action under section 4301(j) of the Code in that Respondent, between May 2002 and October 2003, as described in paragraphs 16-19, obtained between 5,000 and 10,900 capsules of Bontril® (phendimetrazine), a controlled substance as designated by Health and Safety Code section 11056(b)(6), by fraud, deceit, or subterfuge, in violation of Health and Safety Code section 11173(a).

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1 BILL LOCKYER, Attorney General  
of the State of California  
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9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2763

11 CHARLOTTE JOYCE MASON

**STATEMENT TO RESPONDENT**

12 Respondent.

[Gov. Code §§ 11504, 11505(b)]

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15 TO RESPONDENT:

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

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

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

26 **Aspasia A. Papavassiliou**  
**Deputy Attorney General**  
27 **455 Golden Gate Avenue, Suite 11000**  
**San Francisco, California 94102**  
28







1 BILL LOCKYER, Attorney General  
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10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

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11 CHARLOTTE JOYCE MASON

**REQUEST FOR DISCOVERY**

12 Respondent.

[Gov. Code § 11507.6]

14 TO RESPONDENT:

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

19  
20 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU  
21 ARE HEREBY REQUESTED TO:

- 22 1. Provide the names and addresses of witnesses to the extent known to the  
23 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
- 24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of  
25 the following in the possession or custody or under control of the Respondent:
  - 26 a. A statement of a person, other than the Respondent, named in the initial  
27 administrative pleading, or in any additional pleading, when it is claimed that the act or  
28 omission of the Respondent as to this person is the basis for the administrative

1 proceeding;

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

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

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

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

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

19  
20 For the purpose of this Request for Discovery, "statements" include written  
21 statements by the person, signed, or otherwise authenticated by him or her, stenographic,  
22 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,  
23 and written reports or summaries of these oral statements.

24  
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.

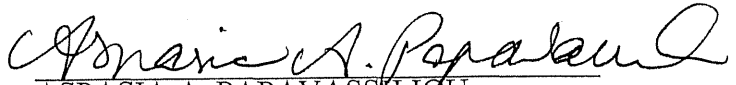
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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

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

DATED: September 24, 2004

BILL LOCKYER, Attorney General  
of the State of California

  
ASPASIA A. PAPA VASSILIOU  
Deputy Attorney General

Attorneys for Complainant

40035279.wpd

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

In the Matter of the Accusation Against:

CHARLOTTE JOYCE MASON

Respondent.

Case No. 2763

**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:

CHARLOTTE JOYCE MASON

Respondent.

Case No. 2763

**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.

\*\*\*\*\*

7160 3901 9848 0786 9835

TO: Charlotte Joyce Mason  
1725 Glenbrook Drive  
Santa Rosa, CA 95401

**DECLARATION OF SERVICE BY CERTIFIED MAIL**

(Separate Mailing)

Case Name: **In the Matter of the Accusation Against**  
Case No.: **2763**

**SENDER:** Aspasia Papavassiliou

**REFERENCE:** 03583-SF2004400287

I declare:

I am employed in the Office of the Attorney General, v  
California State Bar at which member's direction this e  
older and not a party to this matter. I am familiar with  
Attorney General for collection and processing of corr  
States Postal Service. In accordance with that practice  
mail collection system at the Office of the Attorney Ge  
Postal Service that same day in the ordinary course of

PS Form 3800, June 2000

|                              |                      |  |
|------------------------------|----------------------|--|
| RETURN<br>RECEIPT<br>SERVICE | Postage              |  |
|                              | Certified Fee        |  |
|                              | Return Receipt Fee   |  |
|                              | Restricted Delivery  |  |
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| <b>Receipt for<br/>Certified Mail</b>   |                  |
| <small>No Insurance Coverage Provided<br/>Do Not Use for International Mail</small> |                  |

On September 20, 2004, I served the attached **Accusa**  
**Defense (2 copies), Request for Discovery and Disc**  
thereof enclosed in a sealed envelope as certified mail with postage thereon  
return receipt requested, and another true copy of the **Accusation, Statement to Respondent,**  
**Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** 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, San  
Francisco, California 94102-7004 addressed as follows:

**Charlotte Joyce Mason**  
**1725 Glenbrook Drive**  
**Santa Rosa, California 95401**

**CERTIFIED MAIL NUMBER:**

**Certified Article Number**

7160 3901 9848 0786 9835

**SENDERS RECORD**


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 September 20, 2004, at San Francisco,  
California.

Ilene Stein  
Declarant

*Ilene Stein*  
Signature



Exhibit B  
Postal Return Receipt

|   |   |                                       |                             |  |  |   |  |
|---|---|---------------------------------------|-----------------------------|--|--|---|--|
| <p>2. Article Number</p>  <p>7160 3901 9848 0786 9835</p>                            | <p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <table border="1"> <tr> <td data-bbox="828 630 1170 694">A. Received by (Please Print Clearly)</td> <td data-bbox="1170 630 1367 694">B. Date of Delivery<br/>9/23</td> </tr> <tr> <td colspan="2" data-bbox="828 694 1367 774">C. Signature<br/>X Charlotte Mason <input type="checkbox"/> Agent Addressee</td> </tr> <tr> <td colspan="2" data-bbox="828 774 1367 925">D. Is delivery address different from item 1?<br/>If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table> | A. Received by (Please Print Clearly) | B. Date of Delivery<br>9/23 | C. Signature<br>X Charlotte Mason <input type="checkbox"/> Agent Addressee |  | D. Is delivery address different from item 1?<br>If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No |  |
| A. Received by (Please Print Clearly)   | B. Date of Delivery<br>9/23   |                                       |                             |  |  |   |  |
| C. Signature<br>X Charlotte Mason <input type="checkbox"/> Agent Addressee  |   |                                       |                             |  |  |   |  |
| D. Is delivery address different from item 1?<br>If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No                       |   |                                       |                             |  |  |   |  |
| 3. Service Type <b>CERTIFIED MAIL</b>   |   |                                       |                             |  |  |   |  |
| 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes  |   |                                       |                             |  |  |   |  |
| <p>1. Article Addressed to:</p> <p>Charlotte Joyce Mason<br/>1725 Glenbrook Drive<br/>Santa Rosa, CA 95401</p> <p>03583-SF2004400287</p> <p>Aspasia Papavassiliou</p> |   |                                       |                             |  |  |   |  |
| PS Form 3811, July 2001   |   |                                       |                             |  |  |   |  |
| Domestic Return Receipt   |   |                                       |                             |  |  |   |  |