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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:

11 LISA MARIE SCHIFF

12 Pharmacy Technician Registration
13 No. TCH 1085

14 Respondent.

Case No. 2782

OAH No. N2005020666

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

15
16 FINDINGS OF FACT

17 1. On or about August 23, 2004, Complainant Patricia F. Harris, in her
18 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs,
19 filed Accusation No. 2782 against Lisa Marie Schiff (Respondent) before the Board of Pharmacy.

20 2. On or about October 28, 1992, the Board of Pharmacy (Board) issued
21 Pharmacy Technician Registration No. TCH 1085 to Respondent. The Registration was in full
22 force and effect at all times relevant to the charges brought herein. The Registration expired on
23 August 31, 2004, and was canceled for delinquent non-renewal on or about December 5, 2004.

24 3. On or about September 1, 2004, Amena Warith, an employee of the
25 Department of Justice, served by Certified and First Class Mail a copy of Accusation No. 2782,
26 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
27 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
28 was previously 830 Crested Drive, Suisun City, California 94585, and has now been updated to

1 P.O. Box 71, Suisun City, California 94585. A copy of the Accusation, the related documents,
2 and Declaration of Service are attached as Exhibit A, and are incorporated herein by reference.

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

5 5. On or about October 4, 2004, Respondent returned a document that was
6 construed to constitute a Notice of Defense, and which was accepted despite its untimely service.
7 A copy of that document is attached as Exhibit B, and is incorporated herein by reference.

8 6. On or about March 16, 2005, Respondent returned a document signed by
9 herself and her counsel titled Respondent's Withdrawal of Notice of Defense / Request for
10 Hearing. By that document, Respondent, with the concurrence of her counsel, withdrew her prior
11 Notice of Defense, waived her right to a hearing, acknowledged that the Board could then decide
12 whether to proceed with the hearing as a default, withdraw the matter, or take the matter off
13 calendar and issue a default decision and order, and acknowledged that the outcome of any such
14 proceeding or default decision could be discipline up to and including license revocation. A copy
15 of the Withdrawal document is attached as Exhibit C, and is incorporated herein by reference.

16 7. Government Code section 11506 states, in pertinent part:

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

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board
26 finds Respondent is in default. The Board will take action without further hearing and, based on
27 Respondent's express admissions by way of default and the evidence before it, finds that the
28 allegations in Accusation No. 2782 (Exhibit A) are true.

1 f. In violation of Business and Professions Code sections 4301(o) and
2 4060, Respondent, between September 2002 and September 2003, possessed approximately
3 7,200 tablets of hydrocodone with acetaminophen, a controlled substance, without a prescription.

4 g. In violation of Business and Professions Code section 4301(p), in
5 or between September 2002 and September 2003, Respondent committed actions which, if done
6 by an applicant for a license, would have warranted denial of a license.

7
8 ORDER


9 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 1085,
10 heretofore issued to Respondent Lisa Marie Schiff, is revoked.

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

15 This Decision shall become effective on May 27, 2005.

16 It is so ORDERED April 27, 2005

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

22 By 
23 STANLEY W. GOLDENBERG
24 Board President

23 40054408.wpd
24 DOJ docket number:SF2004400735

- 25 Attachments:
26 Exhibit A: Accusation No.2782, Related Documents, and Declaration of Service
27 Exhibit B: Notice of Defense
28 Exhibit C: Respondent's Withdrawal of Notice of Defense / Request for Hearing

Exhibit A
Accusation No. 2782,
Related Documents, and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 LISA S. WIGGINS, State Bar No. 168399
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5652
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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8

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

10

11 In the Matter of the Accusation Against:

Case No. 2782

12 **LISA MARIE SCHIFF**
13 **A.K.A. LISA MARIE FAIRBANKS**
830 Crested Drive
14 Suisun City, California 94585
15 Pharmacy Technician Registration No. TCH
1085

A C C U S A T I O N

Respondent.

17

18 Complainant alleges:

PARTIES

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

23 2. On or about October 28, 1992, the Board of Pharmacy issued Pharmacy
24 Technician Registration Number TCH 1085 to Lisa Marie Schiff, a.k.a. Lisa Marie Fairbanks
25 ("Respondent"). The Pharmacy Technician Registration was in full force and effect at all times
26 relevant to the charges brought herein and will expire on August 31, 2004, unless renewed.

JURISDICTION

27
28 3. This Accusation is brought before the Board, under the authority of the

1 applicable federal and state laws and regulations governing pharmacy, including regulations
2 established by the board."

3 "(p) Actions or conduct that would have warranted denial of a license."
4

...

5 7. Business and Professions Code section 4060 states:

6 "No person shall possess any controlled substance, except that furnished to a person
7 upon the prescription of a [qualified medical care provider]."

8 8. Health and Safety Code section 11170 states that "[n]o person shall prescribe,
9 administer, or furnish a controlled substance for himself."

10 9. Health and Safety Code section 11173(a) states:

11 "No person shall obtain or attempt to obtain controlled substances, or procure or
12 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
13 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

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

18 CONTROLLED SUBSTANCES

19 11. Business and Professions Code section 4021 defines the term "Controlled
20 Substance" as "any substance listed in Chapter 2 (commencing with Section 11053) of Division 10
21 of the Health and Safety Code."

22 12. Business and Professions Code section 4022 defines the term "dangerous
23 drug" as "any drug . . . unsafe for self-use, except veterinary drugs that are labeled as such, and
24 includes the following: . . . [a]ny drug that bears the legend: 'Caution: federal law prohibits
25 dispensing without prescription,' 'Rx only,' or words of similar import...."

26 13. **Hydrocodone combined with acetaminophen** is a Schedule III controlled
27 substance as designated by Health and Safety Code section 11056(e), is a dangerous drug under
28 Business and Professions Code section 4022, and is used for relief of moderate to severe pain.

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)
3 (Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

4 14. Respondent is subject to disciplinary action under Business and Professions
5 Code section 4301(f) in that she unlawfully obtained **hydrocodone combined with acetaminophen**
6 from her employer, Longs Pharmacy #38 in Fairfield, California ("Longs #38"), while working as
7 a licensed pharmacy technician. The circumstances are as follows:

8 a. Between September 2002 and September 2003, Respondent took
9 **hydrocodone combined with acetaminophen** tablets from Longs #38's "Return to Stock"
10 medications supply.

11 b. Respondent would take the tablets and place them into her pants' pocket, and
12 thereafter leave Longs #38 with the tablets in her pocket.

13 c. Respondent also took **hydrocodone combined with acetaminophen** tablets
14 from the ScriptPro dispensing machine.

15 d. Through these means of obtaining **hydrocodone combined with**
16 **acetaminophen** tablets, Respondent took approximately 100-200 tablets a week from the pharmacy.
17 Over the span of time between September 2002 and September 2003, Respondent took
18 approximately 7200 **hydrocodone combined with acetaminophen** tablets.

19 e. Respondent took the **hydrocodone combined with acetaminophen** for her
20 own personal use.

21 SECOND CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct)
23 (Self-Administered Controlled Substance/Dangerous Drug in Dangerous/Injurious Manner)

24 15. Respondent's pharmacy technician registration is subject to discipline under
25 Business and Professions Code section 4301(h) in that between September 2002 and September
26 2003, Respondent self-administered **hydrocodone combined with acetaminophen**, a controlled
27 substance and dangerous drug, to an extent and/or in a manner as to be dangerous and/or injurious
28 to herself in that she did not have a legitimate physician's order for the medication. The

1 circumstances are as described in Paragraph 14.

2
3 **THIRD CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct - Prescribed and/or Administered Controlled Substances for Herself)

5 16. Respondent's pharmacy technician registration is subject to discipline under
6 Business and Professions Code section 4301(j) and Health and Safety Code section 11170 in that
7 between September 2002 and September 2003, Respondent prescribed and/or administered to herself
8 **hydrocodone combined with acetaminophen**, a controlled substance. The circumstances are as
9 described in Paragraph 14.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct - Obtain/Procure Administration/Prescription of Controlled Substances
12 by Fraud, Deceit, Misrepresentation, Subterfuge, and/or Concealment of Material Fact)

13 17. Respondent's pharmacy technician registration is subject to discipline under
14 Business and Professions Code section 4301(j) and Health and Safety Code section 11173(a) in that
15 between September 2002 and September 2003, Respondent obtained **hydrocodone combined with**
16 **acetaminophen**, a controlled substance, and/or procured the administration of **hydrocodone**
17 **combined with acetaminophen** by fraud, deceit, misrepresentation, subterfuge, and/or concealment
18 of a material fact, when she covertly removed **hydrocodone combined with acetaminophen** from
19 Longs #38. The circumstances are as described in Paragraph 14.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 (Unprofessional Conduct - Violating Provisions/Terms of Chapter or Applicable State/Federal
22 Laws/Regulations Governing Pharmacy)

23 18. Respondent's pharmacy technician registration is subject to discipline under
24 Business and Professions Code section 4301(o) in that between September 2002 and September
25 2003, Respondent violated or attempted to violate, directly or indirectly, provisions/terms of the
26 Business and Professions Code Sections 4000 *et seq.* and/or applicable federal and/or state laws and
27 regulations governing pharmacy, including regulations established by the board, when she illegally
28 obtained **hydrocodone combined with acetaminophen**, as described in Paragraph 14.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct - Possessing a Controlled Substance Without a Prescription)

3 19. Respondent is subject to disciplinary action under Business and Professions
4 Code section 4301(o) and 4060 in that she removed **hydrocodone combined with acetaminophen**,
5 a controlled substance, from Longs #38 without a prescription. The circumstances are discussed in
6 detail above in Paragraph 14.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct - Committed Acts that would Warrant Denial of License)

9 20. Respondent's pharmacy technician registration is subject to discipline under
10 Business and Professions Code section 4301(p) in that between September 2002 and September
11 2003, Respondent's actions or conduct was such that would have warranted denial of a license. The
12 circumstances are as described in Paragraph 14.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH
- 17 1085, issued to Lisa Marie Schiff, a.k.a. Lisa Marie Fairbanks;
- 18 2. Ordering Lisa Marie Schiff to pay the Board of Pharmacy the reasonable costs
- 19 of the investigation and enforcement of this case, pursuant to Business and Professions Code section
- 20 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 8/23/04

23 *P. F. Harris*
 24 _____
 25 PATRICIA F. HARRIS
 26 Executive Officer
 27 Board of Pharmacy
 28 Department of Consumer Affairs
 State of California
 Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 LISA S. WIGGINS, State Bar No. 168399
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
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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:

12 LISA MARIE SCHIFF
13 A.K.A. LISA MARIE FAIRBANKS

14 Respondent.

Case No. 2782

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

15
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.

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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 1, 2004

BILL LOCKYER, Attorney General
of the State of California



LISA S. WIGGINS
Deputy Attorney General

Attorneys for Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 LISA S. WIGGINS, State Bar No. 168399
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2782

11 LISA MARIE SCHIFF
12 A.K.A. LISA MARIE FAIRBANKS

STATEMENT TO RESPONDENT

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

13
14 Respondent.

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 Lisa S. Wiggins, within fifteen
20 (15) days after a copy of the Accusation was personally served on you or mailed to you, you will
21 be deemed to have waived your right to a hearing in this matter and the Board may proceed upon
22 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 **Lisa S. Wiggins**
Deputy Attorney General
27 **455 Golden Gate Avenue, Suite 11000**
San Francisco, California 94102.

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

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

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

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

15 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are
16 enclosed.

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

21 **NOTICE REGARDING STIPULATED SETTLEMENTS**

22 It may be possible to avoid the time, expense and uncertainties involved in an
23 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
24 settlement is a binding written agreement between you and the government regarding the matters
25 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
26 Board of Pharmacy but, once approved, it would be incorporated into a final order.

27 Any stipulation must be consistent with the Board's established disciplinary
28 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the

1 Board's Disciplinary Guidelines will be provided to you on your written request to the state
2 agency bringing this action.

3 If you are interested in pursuing this alternative to a formal administrative hearing,
4 or if you have any questions, you or your attorney should contact Deputy Attorney General Lisa
5 S. Wiggins at the earliest opportunity.

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

In the Matter of the Accusation Against:

LISA MARIE SCHIFF
A.k.a. Lisa Marie Fairbanks

Respondent.

Case No. 2782

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:

LISA MARIE SCHIFF
A.K.A. LISA MARIE FAIRBANKS

Respondent.

Case No. 2782

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: Lisa Marie Schiff

Agency Case No. 2782

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 September 1, 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, 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, Suite 11000, San Francisco, CA 94102, addressed as follows:

Lisa Marie Schiff
830 Crested Drive
Suisun City, California 94585

Certified Article Number

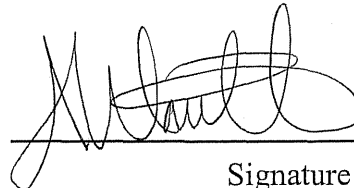
7160 3901 9848 0785 5067

SENDER'S 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 1, 2004, at San Francisco, California.

A. WARITH

Typed Name



Signature

2. Article Number



7160 3901 9848 0785 5067

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Lisa Marie Schiff Date of Delivery 8/25/01

C. Signature [Handwritten Signature]

D. Is delivery address different from item? Yes No
If YES, enter delivery address below.

SUISUN CITY, CA 94585

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

Article Addressed to:

Lisa Marie Schiff
830 Crested Drive
Suisun City, CA 94585

2782 - Acc-Pak

Lisa S. Wiggins

PS Form 3811, July 2001

Domestic Return Receipt

7160 3901 9848 0785 5067

TO: Lisa Marie Schiff
830 Crested Drive
Suisun City, CA 94585

SENDER: Lisa S. Wiggins

REFERENCE: 2782

PS Form 3800, June 2000

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

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

Exhibit B
Notice of Defense

LISA SCHIFF
PO BOX 71
Suisun City, CA 94585-0071
Case # 2782

October 4th, 2004

Ms. Wiggins,

I would like to try to dispose
of this matter through a stipulated
settlement.

I would like to initiate a request
for discovery.

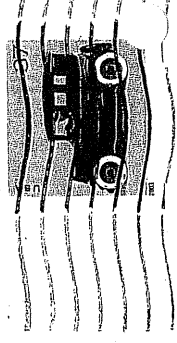
I would also like to request that
any future correspondence be sent to my
post office box (as written above). We
have had problems with mail theft,
which I have reported to the police
department. I am getting my mail
delivered to that address.

Thank you,
Lisa Schiff

LISA Schiff #2782

P.O. Box 71

Sausalito City, CA 94885-0071



LISA S. Wiggins

455 Golden Gate Ave, Suite 11000

San Francisco, Ca 94102

94102+3660

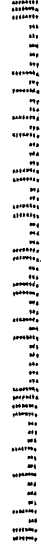


Exhibit C

Withdrawal of Notice of Defense / Request for Hearing

E. Glynn Stanley Jr.
-Attorney at Law-
728 Texas Street
Fairfield, California 94533
(707) 425-5291
FAX (707) 425-5338

March 14, 2005

Joshua A. Room
Deputy Attorney General
Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102-7004

Re: Board of Pharmacy Case No. 2782 (Schiff, Lisa Marie)

Dear Mr. Room,

Enclosed please find my client's formal withdraw of her notice of defense and request for hearing. I assume your office will file the same with the Board of Pharmacy prior to the hearing, which is currently set. By this withdrawal she is not acknowledging the truth or accuracy of the allegations set forth.

If you have any questions, please call at any time.

Very truly yours,
E. Glynn Stanley, Jr.

cc: client

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

In the Matter of the Accusation Against:

Case No. 2782

LISA MARIE SCHIFF

Respondent.

RESPONDENT'S WITHDRAWAL OF
NOTICE OF DEFENSE / REQUEST
FOR HEARING

In accordance with California Code of Regulations, title 1, section 1014, subdivision (c), I hereby withdraw the Notice of Defense or request for hearing previously filed, and waive my right to hearing in the above-entitled matter. I understand that the Board of Pharmacy shall decide whether to proceed with the hearing as a default, withdraw the matter, or take the matter off calendar and issue a default decision and order. I acknowledge that the outcome of this proceeding or default decision may be discipline up to and including license revocation. I have discussed this withdrawal and waiver with counsel and hereby make it knowingly, intelligently, and voluntarily. Counsel's signature in the appropriate section of this form indicates that counsel concurs in this withdrawal and waiver.

DATED: 2/25/2005

Respondent's Name

Lisa Marie Schiff

Respondent's Signature

Lisa Marie Schiff

Respondent's Mailing Address

830 Crested Drive

City, State and Zip Code

Suisun, California 94585

Respondent's Telephone Number

707-427-0353

Check appropriate box:



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

Counsel's Name

E. Glynn Stanley, Jr.

Counsel's Signature

E. Glynn Stanley, Jr.

Counsel's Mailing Address

728 Texas Street

City, State and Zip Code

Fairfield, California 94533

Counsel's Telephone Number

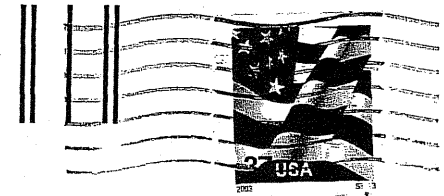
707-425-5291



I am not now represented by counsel.

40051420.wpd

E. Glynn Stanley Jr., Esq.
Attorney at Law
728 W. Texas Street
Fairfield, California 94533-5519



Joshua A. Room
Deputy Attorney General
Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102-7004

