

1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY G. THORPE, State Bar No. 126422
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-5845
5 Facsimile: (213) 897-2804

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. 2863

11 **JULIA ALEXANDRA MARKOVSKY**
12 5825 Reseda Boulevard, #317
Tarzana, CA 91356

DEFAULT DECISION
AND ORDER

13 Pharmacy Technician Registration
14 No. TCH 55314

[Gov. Code, §11520]

15 Respondent.

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17 **FINDINGS OF FACT**

18 1. On or about July 22, 2005, Complainant Patricia F. Harris, in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
20 filed Accusation No. 2863 against Julia Alexandria Markovskiy (Respondent) before the Board of
21 Pharmacy.

22 2. On or about February 25, 2004, the Board of Pharmacy (Board) issued
23 Pharmacy Technician Registration No. TCH 55314 to Respondent. The registration was in full
24 force and effect at all times relevant to the charges brought herein and is delinquent as of July
25 31, 2005, unless renewed.

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1 3. On or about August 24, 2005, Sylvia Reyes, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
3 2863, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
5 which was and is 5825 Reseda Boulevard, #317, Tarzana, CA 91356. A copy of the Accusation,
6 the related documents, and Declaration of Service are attached as exhibit A, and are
7 incorporated herein by reference.

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

10 5. On or about August 25, 2005, the U.S. Postal Service Domestic Return
11 Receipt (green card) was signed by an individual at the address of record for respondent and
12 returned by first class mail to the Office of the Attorney General. The first class mailing of the
13 Accusation was not returned. Attached hereto as exhibit B is a photocopy of the Domestic
14 Return Receipt showing delivery of the certified mail at the address of record, and is incorporated
15 herein by reference.

16 6. 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 7. Respondent failed to file a Notice of Defense within 15 days after service
22 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
23 Accusation No. 2863.

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

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

1 9. Pursuant to its authority under Government Code section 11520, the Board
2 finds Respondent is in default. The Board will take action without further hearing and, based on
3 Respondent's express admissions by way of default and the evidence before it, contained in
4 exhibits A and B finds that the allegations in Accusation No. 2863 are true.

5 10. The total costs for investigation and enforcement are \$1,290.25 as of
6 September 22, 2005.

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8 **DETERMINATION OF ISSUES**

9 1. Based on the foregoing findings of fact, Respondent Julia Alexandria
10 Markovsky has subjected her Pharmacy Technician Registration No. TCH 55314 to discipline.

11 2. A copy of the Accusation and the related documents and Declaration of
12 Service are attached.

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

14 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy
15 Technician Registration No. TCH 55314 based upon the following violations alleged in the
16 Accusation:

17 a. Business and Professions Code section 4300 for unprofessional
18 conduct as defined in section 4301, subdivision (j), in violation of Health & Safety Code
19 section 11377 (possession of a controlled substance, methamphetamine).

20 b. Business and Professions Code section 4300 for unprofessional
21 conduct as defined in section 4301, subdivision (f). (Acts involving moral turpitude,
22 dishonesty, fraud, deceit or corruption).

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ORDER


IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 55314, heretofore issued to Respondent Julia Alexandria Markovsky, is revoked.

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

This Decision shall become effective on December 7, 2005.

It is so ORDERED November 7, 2005

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STANLEY W. GOLDENBERG
Board President

Attachments:
Exhibit A: Accusation No.2863, Related Documents, and Declaration of Service
Exhibit B: Domestic Return Receipt (green card)

Exhibit A
Accusation No. 2863,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 DIANE M. L. TAN, State Bar No. 86571
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-8764
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 JULIA ALEXANDRA MARKOVSKY
5825 Reseda Blvd., #317
13 Tarzana, CA 91356

14 Pharmacy Technician Registration No. TCH
55314,

15 Respondent.
16

Case No. 2863

OAH No.

A C C U S A T I O N

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about February 25, 2004, the Board issued Pharmacy Technician
24 Registration No. TCH 55314 to Julia Alexandra Markovsky (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on July 31, 2005, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 4. Section 4300 permits the Board to take disciplinary action to suspend or
6 revoke a license.

7 5. Section 4301 of the Code states:

8 “The board shall take action against any holder of a license who is guilty of
9 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
10 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
11 following:

12

13 “(f) The commission of any act involving moral turpitude, dishonesty, fraud,
14 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
15 otherwise, and whether the act is a felony or misdemeanor or not.

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

19 6. Section 118, subdivision (b), states that the suspension, expiration, or
20 forfeiture by operation of law of a license issued by a board in the department, or its suspension,
21 forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender
22 without the written consent of the board, shall not, during any period in which it may be renewed,
23 restored, reissued, or reinstated.

24 7. Health & Safety Code section 11377, subdivision (a), states, in pertinent
25 part, that every person who possesses any controlled substance which is classified in Health &
26 Safety Code section 11055, subdivision (d)(2), and which is not a narcotic drug, unless upon the
27 prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state,
28 shall be punished by imprisonment in a county jail for a period of not more than one year or in

1 the state prison.

2 8. Section 125.3 provides, in part, that the Board may request the
3 administrative law judge to direct any licentiate found to have committed a violation of the
4 licensing act, to pay the Board a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 9. Drug "Methamphetamine is a Schedule II controlled substance as defined
7 in Health and Safety Code § 110.55(d)(2).

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Possession of a Controlled Substances)**

10 10. Respondent has subjected her license to discipline pursuant to section
11 4300 for unprofessional conduct as defined in section 4301, subdivision (j), in violation of
12 Health and Safety Code section 11377 in that on or about September 24, 2004, Respondent did
13 willfully and unlawfully possess a controlled substance, methamphetamine.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

16 11. Respondent has subjected her license to discipline pursuant to section
17 4300 for unprofessional conduct as defined in section 4301, subdivision (f), in that Respondent
18 committed an act involving moral turpitude, dishonesty, fraud, deceit or corruption as described
19 above in paragraph 10.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician Registration No. TCH
24 55314, issued to Julia Alexandra Markovsky;

25 2. Ordering Julia Alexandra Markovsky to pay the Board of Pharmacy the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/22/05

P. J. Harris
PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY G. THORPE, State Bar No. 126422
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
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7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2863

12 JULIA ALEXANDRA MARKOVSKY

STATEMENT TO RESPONDENT

13 Respondent.

[Gov. Code §§ 11504, 11505(b)]

14
15 TO RESPONDENT:

16 Enclosed is a copy of the Accusation that has been filed with the Board of
17 Pharmacy (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 Deputy Attorney General Barry G. Thorpe within fifteen (15) days after a copy
20 of the Accusation was personally served on you or mailed to you, you will be deemed to have
21 waived your right to a hearing in this matter and the Board may proceed upon the Accusation
22 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 **Deputy Attorney General Barry G. Thorpe**
27 **300 So. Spring Street, Suite 1702**
Los Angeles, CA 90013

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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 Deputy Attorney General
4 Barry G. Thorpe, shall be deemed a specific denial of all parts of the Accusation, but you will not
5 be permitted to raise any objection to the form of the Accusation unless you file a further Notice
6 of Defense as provided in section 11506 of the Government Code within fifteen (15) days after
7 service of the Accusation 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, 320 West Fourth Street, Suite 630, Los
12 Angeles, California 90013, within ten (10) working days after you discover the good cause.
13 Failure to 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 Deputy Attorney
20 General Barry G. Thorpe.

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 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 Barry
5 G. Thorpe 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:

JULIA ALEXANDRA MARKOVSKY

Respondent.

Case No. 2863

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 do not consent to electronic reporting.
The hearing in this case will be electronically reported/recorded, unless you check the above-left box to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearing and on counsel for Complainant by fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

I am represented by counsel, whose name, address and telephone number appear below:
Counsel's 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.

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

In the Matter of the Accusation Against:

JULIA ALEXANDRA MARKOVSKY

Respondent.

Case No. 2863

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[Gov. Code §§ 11505 and 11506]

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DATED: _____

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

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- 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.

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1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY G. THORPE, State Bar No. 126422
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
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7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2863

11 JULIA ALEXANDRA MARKOVSKY

REQUEST FOR DISCOVERY

12 Respondent.

[Gov. Code § 11507.6]

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14
15 TO RESPONDENT:

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

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

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

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

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

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

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

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

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

20
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: 8-23-05

BILL LOCKYER, Attorney General
of the State of California



BARRY G. THORPE
Deputy Attorney General

Attorneys for Complainant

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**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: **Julia Alexandra Markovsky**
Agency Case No. 2863

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 August 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, 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 300 So. Spring St., Los Angeles, CA 90013, addressed as follows:

Julia Alexandra Markovsky
5825 Reseda Boulevard, #317
Tarzana, CA 91356

Certified No. 7001 0360 0003 2704 9604

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 August 24, 2005, at Los Angeles, California.

S. REYES

Typed Name

S. Reyes

Signature

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Julia Alexandra Markovsky
5825 Reseda Boulevard, #317
Tarzana, CA 91356**

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* B. Date of Delivery

C. Signature *[Handwritten Signature]* *8-25-05*

Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? *(Extra Fee)* Yes

2. Article Number *(Copy from service label)*

7001 0360 0003 2704 9604

Exhibit B
Domestic Return Receipt