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of the State of California
2 ARTHUR D. TAGGART
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4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 KATONYA LYNN SHAW
9644 Holly Glen Way
14 Elk Grove, CA 95757

15 Pharmacy Technician Registration No. TCH 55736

16 Respondent.

Case No. 2931

OAH No. N-2006080477

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17
18 FINDINGS OF FACT

19 1. On or about May 2, 2006, Complainant Patricia F. Harris, in her official
20 capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 2931 against
21 Katonya Lynn Shaw (Respondent) before the Board of Pharmacy.

22 2. On or about March 29, 2004, the (Board) issued Pharmacy Technician
23 Registration No. TCH 55736 to Respondent. The Pharmacy Technician Registration was in full
24 force and effect at all times relevant to the charges brought herein and will expire on April 30,
25 2008, unless renewed.

26 3. On or about May 8, 2006, Jessica Taylor, an employee of the Department
27 of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2931, Statement
28 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections

1 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and
2 is 9644 Holly Glen Way, Elk Grove, CA 95757. A copy of the Accusation, the related
3 documents, and Declaration of Service are attached as Exhibit A, and are incorporated herein by
4 reference.

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

7 5. On or about May 31, 2006, Respondent signed and returned a Notice of
8 Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at
9 Respondent's address of record and it informed her that an administrative hearing in this matter
10 was scheduled for October 13, 2006. Respondent failed to appear at that hearing. A copy of
11 Respondent's Notice of Defense, the Notice of Hearing, and Declaration of Service are attached
12 hereto as Exhibit B, and are incorporated herein by reference.

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

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

18 7. 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 8. 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. 2931 are true.

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1 9. The total costs for investigation and enforcement are \$1,891.50 as of
2 October 13, 2006. A Certification of Costs is attached as Exhibit C and incorporated herein by
3 reference.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Katonya Lynn Shaw
6 has subjected her Pharmacy Technician Registration No. TCH 55736 to discipline.

7 2. A copy of the Accusation and the related documents and Declaration of
8 Service are attached.

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

10 4. The Board is authorized to revoke Respondent's Pharmacy Technician
11 Registration based upon the following violations alleged in the Accusation:

12 a. Respondent is subject to disciplinary action pursuant to Code
13 section 4301, subdivision (f), on the grounds of unprofessional conduct in that between
14 August 1, 2003, and February 3, 2004, while employed as a pharmacy/procurement
15 technician, Respondent committed acts involving moral turpitude, dishonesty, fraud,
16 deceit, or corruption when she stole dangerous drugs belonging to the pharmacy at which
17 she worked, and then unlawfully furnished the medications to her relatives.

18 b. Respondent is subject to disciplinary action pursuant to Code
19 section 4301, subdivision (j), on the grounds of unprofessional conduct in that between
20 August 2003, and January 2004, Respondent violated Code section 4059, subdivision (a),
21 by furnishing dangerous drugs without a prescription to her relatives.

22 c. Respondent is subject to disciplinary action pursuant to Code
23 section 4301, subdivision (l), on the grounds of unprofessional conduct in that on or
24 about October 14, 2004, in the criminal proceeding titled *People v. Katonya L. Shaw*
25 (Super. Ct. Sacramento County, 2004, Case No. 04M07111), Respondent was convicted
26 by the court on her plea of nolo contendere to violating Code section 4059, subdivision
27 (a) (furnishing dangerous drugs without a prescription), a crime substantially related to
28 the qualifications, functions, and duties of a pharmacy technician.

1 d. Respondent is subject to disciplinary action pursuant to Code
2 section 4301, subdivision (o), on the grounds of unprofessional conduct, in that in and
3 between August 1, 2003, and February 3, 2004, while employed as a
4 pharmacy/procurement technician, Respondent violated or attempted to violate, directly
5 or indirectly, or assisted in or abetted the violation of or conspired to violate a provision
6 or term of this chapter or of an applicable state law governing pharmacy, to wit: Code
7 section 4059, subdivision (a).

8 e. Respondent is subject to disciplinary action pursuant to Code
9 section 4301, subdivision (p), on the grounds of unprofessional conduct in that in and
10 between August 1, 2003, and February 3, 2004, she committed acts that would have
11 warranted denial of her pharmacy technician registration.

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1 ORDER

2 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 55736,
3 heretofore issued to Respondent Katonya Lynn Shaw, is revoked.

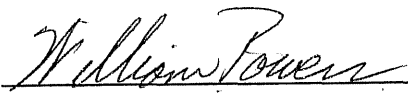
4 Pursuant to Government Code section 11520, subdivision (c), Respondent may
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
7 may vacate the Decision and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

9 This Decision shall become effective on January 4, 2007.

10 It is so ORDERED December 5, 2006

11
12 BOARD OF PHARMACY
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA

15 10290237.wpd
16 DOJ docket number:SA2005104406

17 By 
18 WILLIAM POWERS
19 Board President

20 Attachments:

- 21 Exhibit A: Accusation No.2931, Related Documents, and Declaration of Service
22 Exhibit B: Notice of Defense, Notice of Hearing, and Declaration of Service
23 Exhibit C: Cost Certification
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Exhibit A
Accusation No. 2931,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2931

13 **KATONYA LYNN SHAW,**
14 **a.k.a. KATONYA LYNN ORR**
4930 Polk Street, #95
North Highlands, CA 95660

A C C U S A T I O N

15 Pharmacy Technician Registration No. TCH 55736

16 Respondent.
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 ("Board"), Department of
22 Consumer Affairs.

23 2. On or about March 29, 2004, the Board issued Pharmacy Technician
24 Registration Number TCH 55736 to Katonya Lynn Shaw, also known as Katonya Lynn Orr
25 ("Respondent"). Respondent's pharmacy technician registration will expire on April 30, 2006,
26 unless renewed.

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1 occurred. The board may inquire into the circumstances surrounding the
2 commission of the crime, in order to fix the degree of discipline or, in the case of
3 a conviction not involving controlled substances or dangerous drugs, to determine
4 if the conviction is of an offense substantially related to the qualifications,
5 functions, and duties of a licensee under this chapter. A plea or verdict of guilty
6 or a conviction following a plea of nolo contendere is deemed to be a conviction
7 within the meaning of this provision. The board may take action when the time
8 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal
9 or when an order granting probation is made suspending the imposition of
10 sentence, irrespective of a subsequent order under Section 1203.4 of the Penal
11 Code allowing the person to withdraw his or her plea of guilty and to enter a plea
12 of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
13 information, or indictment.

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15 (o) Violating or attempting to violate, directly or indirectly, or assisting in
16 or abetting the violation of or conspiring to violate any provision or term of this
17 chapter or of the applicable federal and state laws and regulations governing
18 pharmacy, including regulations established by the board . . .

19 (p) Actions or conduct that would have warranted denial of a license . . .

20 6. Code section 4022 states:

21 "Dangerous drug" or "dangerous device" means any drug or device unsafe
22 for self-use in humans or animals, and includes the following:

23 (a) Any drug that bears the legend: "Caution: federal law prohibits
24 dispensing without prescription," "Rx only," or words of similar import.

25 (b) Any device that bears the statement: "Caution: federal law restricts this
26 device to sale by or on the order of a -----," "Rx only," or words of similar
27 import, the blank to be filled in with the designation of the practitioner licensed to
28 use or order use of the device.

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

7. Code section 4059, subdivision (a), states:

A person may not furnish any dangerous drug, except upon the
prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. A
person may not furnish any dangerous device, except upon the prescription of a
physician, dentist, podiatrist, optometrist, or veterinarian.

8. Code section 477 provides, in pertinent part, that "license" includes
certificate, registration or other means to engage in a business or profession regulated by the
Code.

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1 furnished the medications to her sister Tafeni Green, also known as Tafeni Orr (hereinafter
2 "Tafeni Green"), as set forth in paragraph 13 below.

3 b. In or about November 2003, Respondent stole dangerous drugs belonging
4 to the pharmacy, including, but not limited to, Glucophage and Hydrochlorothiazide, then
5 unlawfully furnished the medications to her uncle Julius Matthews, as set forth in paragraph 13
6 below.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Violations of State Laws Regulating Dangerous Drugs)**

9 13. Respondent is subject to disciplinary action pursuant to Code section
10 4301, subdivision (j), on the grounds of unprofessional conduct. In and between August 2003,
11 and January 2004, while employed as a pharmacy/procurement technician by McClellan VA
12 OPC, Respondent violated Code section 4059, subdivision (a), as follows:

13 a. In and between August 1, 2003, and February 3, 2004, Respondent
14 furnished dangerous drugs belonging to the pharmacy, including, but not limited to, two 90-
15 tablet bottles of Ibuprofen 800 mg, 12 tablets of Diflucan, and Ortho Evra birth control patches,
16 to her sister Tafeni Green located in Douglasville, Georgia, without a valid prescription for the
17 medications from a physician, dentist, podiatrist, optometrist, or veterinarian.

18 b. In or about November 2003, Respondent furnished dangerous drugs
19 belonging to the pharmacy, including, but not limited to, Glucophage and Hydrochlorothiazide,
20 to her uncle Julius Matthews located in Hartford, Connecticut, without a valid prescription for
21 the medications from a physician, dentist, podiatrist, optometrist, or veterinarian.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Criminal Conviction)**

24 14. Respondent is subject to disciplinary action pursuant to Code section
25 4301, subdivision (l), on the grounds of unprofessional conduct. On or about October 14, 2004,
26 in the criminal proceeding titled *People v. Katonya L. Shaw* (Super. Ct. Sacramento County,
27 2004, Case No. 04M07111), Respondent was convicted by the court on her plea of nolo
28 contendere to violating Code section 4059, subdivision (a) (furnishing dangerous drugs without a

1 prescription), a crime substantially related to the qualifications, functions, and duties of a
2 pharmacy technician. The circumstances of the crime are set forth in paragraph 13 above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Furnishing Dangerous Drugs Without a Prescription)**

5 15. Respondent is subject to disciplinary action pursuant to Code section
6 4301, subdivision (o), on the grounds of unprofessional conduct, in that in and between August
7 1, 2003, and February 3, 2004, while employed as a pharmacy/procurement technician by
8 McClellan VA OPC, Respondent violated or attempted to violate, directly or indirectly, or
9 assisted in or abetted the violation of or conspired to violate a provision or term of this chapter or
10 of an applicable state law governing pharmacy, to wit: Code section 4059, subdivision (a), as set
11 forth in paragraph 13 above.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Actions or Conduct Warranting Denial of Licensure)**

14 16. Respondent is subject to disciplinary action pursuant to Code section
15 4301, subdivision (p), on the grounds of unprofessional conduct in that in and between August 1,
16 2003, and February 3, 2004, she committed acts that would have warranted denial of her
17 pharmacy technician registration, as set forth in paragraphs 12, 13, and 15 above.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician Registration Number
22 TCH 55736, issued to Katonya Lynn Shaw, also known as Katonya Lynn Orr;

23 2. Ordering Katonya Lynn Shaw, also known as Katonya Lynn Orr, to pay
24 the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
25 pursuant to Business and Professions Code section 125.3;

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

DATED: 5/2/06

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 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-2271
Facsimile: (916) 327-8643

6 Attorneys for Complainant

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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:
11 KATONYA LYNN SHAW
12
13 Respondent.

Case No. 2931
REQUEST FOR DISCOVERY
[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 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
20 ARE HEREBY REQUESTED TO:

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

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

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

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

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

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

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

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

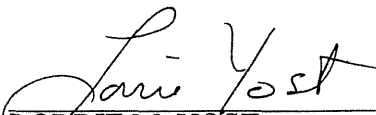
26 Your response to this Request for Discovery should be directed to the undersigned
27 attorney for the Complainant at the address on the first page of this Request for Discovery **within**
28 **30 days after service** of the Accusation.

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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: 5-8-06

BILL LOCKYER, Attorney General
of the State of California



LORRIE M. YOST
Deputy Attorney General

Attorneys for Complainant

10242117.wpd

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
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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. 2931

11 KATONYA LYNN SHAW

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 Lorrie M. Yost, 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 **Lorrie M. Yost**
Deputy Attorney General
27 **1300 I Street, Suite 125**
P.O. Box 944255
28 **Sacramento, California 94244-2550.**

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, 560 J Street, Suite 340/360, Sacramento,
12 California 95814, 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 Lorrie
5 M. Yost at the earliest opportunity.

6 *****

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

In the Matter of the Accusation Against:

KATONYA LYNN SHAW

Respondent.

Case No. 2931

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:

Case No. 2931

KATONYA LYNN SHAW

NOTICE OF DEFENSE

Respondent.

[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.

10242117.wpd

**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)

Case Name: **In the Matter of the Accusation Against: Katonya Lynn Shaw**

No.: 2931

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 May 8, 2006, I served the attached **Accusation, Request for Discovery, Statement to Respondent, Notice of Defense, applicable Government Code sections** 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 **above-named documents** 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 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

BY U.S. & CERTIFIED MAIL TO:

Katonya Lynn Shaw
9644 Holly Glen Way
Elk Grove, CA 95757

BY U.S. MAIL ONLY TO:

Patricia F. Harris
Executive Officer
Board of Pharmacy
1625 North Market Boulevard, Suite N-219
Sacramento, CA 95834

Certified Article Number

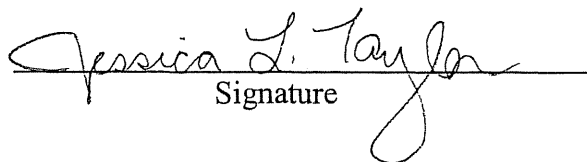
7160 3901 9848 9138 1947

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 May 8, 2006, at Sacramento, California.

Jessica L. Taylor

Declarant


Signature

7160 3901 9848 9138 1947

TO: Katonya Lynn Shaw
9644 Holly Glen Way
Elk Grove, CA 95757

SENDER: Lorrie M. Yost

REFERENCE: SA2005104406/Shaw/AccPkt

PS Form 3800, June 2000

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

US Postal Service

POSTMARK OR DATE

Receipt for Certified Mail

No Insurance Coverage Provided
Do Not Use for International Mail

2. Article Number



7160 3901 9848 9138 1947

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Katonya Lynn Shaw
9644 Holly Glen Way
Elk Grove, CA 95757

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

5/9

C. Signature

X *[Handwritten Signature]*

Agent
 Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes
 No

SA2005104406/Shaw/AccPkt Lorrie M. Yost

PS Form 3811, July 2001

Domestic Return Receipt

Thank you for using Return Receipt Service

Exhibit B
Notice of Defense,
Notice of Hearing, and
Declaration of Service

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

In the Matter of the Accusation Against:

KATONYA LYNN SHAW

Respondent.

Case No. 2931

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: 5/31/06
Respondent's Name Katonya Shaw
Respondent's Signature [Signature]
Respondent's Mailing Address 9644 Holly Glen Way
City, State and Zip Code EIK GROVE, CA 95757
Respondent's Telephone Number 916-670-1752

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.

10242117.wpd

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-2271
Facsimile: (916) 327-8643

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 KATONYA LYNN SHAW

13 Respondent.

Case No. 2931

OAH No. N-2006080477

NOTICE OF HEARING
[Gov. Code § 11509]

Hearing: Friday, October 13, 2006

14
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16
17 YOU ARE HEREBY NOTIFIED that a hearing in this matter will commence on
18 **Friday, October 13, 2006 at 9:00 a.m.** before an Administrative Law Judge at

19 **Office of Administrative Hearings**
20 **2349 Gateway Oaks Drive, Suite 200**
21 **Sacramento, California 95814.**

22 The hearing will be conducted before the Board of Pharmacy, Department of
23 Consumer Affairs by an Administrative Law Judge of the Office of Administrative Hearings,
upon the charges made in Accusation No. 2931 served upon you.

24 If you object to the place of hearing, you must notify the presiding officer within
25 ten (10) days after this notice is served on you. Failure to notify the presiding officer within ten
26 (10) days will deprive you of a change in the place of hearing.

27 ///

28 ///

1 You may be present at the hearing. You have the right to be represented by an
2 attorney at your own expense. You are not entitled to the appointment of an attorney to represent
3 you at public expense. You are entitled to represent yourself without legal counsel. You may
4 present any relevant evidence, and will be given full opportunity to cross-examine all witnesses
5 testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of
6 witnesses and the production of books, documents, or other things by applying to the Office of
7 Administrative Hearings, 560 J Street, Suite 300, Sacramento, California 95814, telephone:
8 (916) 445-4926.

9 INTERPRETER: Pursuant to section 11435.20 of the Government Code, the
10 hearing shall be conducted in the English language. If a party or a party's witness does not
11 proficiently speak or understand the English language and before commencement of the hearing
12 requests language assistance, an agency subject to the language assistance requirement in section
13 11435.15 of the Government Code shall provide a certified interpreter or an interpreter approved
14 by the administrative law judge conducting the proceedings. The cost of providing the
15 interpreter shall be paid by the agency having jurisdiction over the matter if the administrative
16 law judge or hearing officer so directs, otherwise by the party for whom the interpreter is
17 provided. If you or a witness require the assistance of an interpreter, ample advance notice of
18 this fact should be given to the Office of Administrative Hearings so that appropriate
19 arrangements can be made.

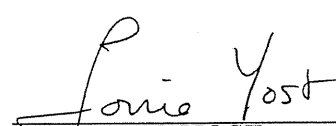
20 CONTINUANCES: Under section 11524 of the Government Code, the agency
21 may grant a continuance, but when an administrative law judge of the Office of Administrative
22 Hearings has been assigned to the hearing, no continuance may be granted except by him or her
23 or by the presiding Administrative Law Judge for good cause. When seeking a continuance, a
24 party shall apply for the continuance within ten (10) working days following the time the party
25 discovered or reasonably should have discovered the event or occurrence which establishes good
26 cause for the continuance. A continuance may be granted for good cause after the ten (10)
27 working days have lapsed only if the party seeking the continuance is not responsible for and has
28 made a good faith effort to prevent the condition or event establishing the good cause.

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Continuances are not favored. If you need a continuance, immediately write or call the Office of Administrative Hearings, 560 J Street, Suite 300, Sacramento, California 95814, telephone: (916) 445-4926.

DATED: Sept. 1, 2006

BILL LOCKYER, Attorney General
of the State of California



LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

SA2005104406
Shaw.NOH.10271451.wpd

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

Case Name: **In the Matter of the Accusation Against: Katonya Lynn Shaw**

No.: 2931

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 5, 2006, I served the attached **Notice of Hearing** 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 **Notice of Hearing** 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 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

BY U.S. & CERTIFIED MAIL TO:

Katonya Lynn Shaw
9644 Holly Glen Way
Elk Grove, CA 95757

BY U.S. MAIL ONLY TO:

Board of Pharmacy
Kim deLong
1625 North Market Boulevard, Suite N-219
Sacramento, CA 95834.

Certified Article Number

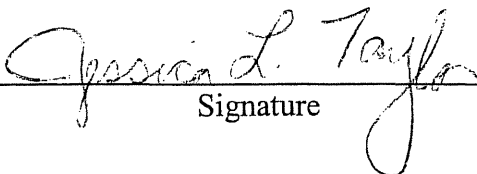
7160 3901 9849 5177 6294

SENDERS RECORD

Office of Administrative Hearings
Kathy Rossow
Sacramento Regional Office
560 J Street, Suite 300
Sacramento, CA 95814

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 5, 2006, at Sacramento, California.

Jessica L. Taylor
Declarant



Signature

7760 3901 9849 5177 6294

TO:
Katonya Lynn Shaw
9644 Holly Glen Way
Elk Grove, CA 95757

SENDER: Lorrie M. Yost

REFERENCE:
SA2005104406/Shaw/NOH

PS Form 3800, January 2005

| | | |
|------------------------------|----------------------|--|
| 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 C
Certification of Costs



California State Board of Pharmacy
 1625 N. Market Blvd, Suite N 219, Sacramento, CA 95834
 Phone (916) 574-7900
 Fax (916) 574-8818
 www.pharmacy.ca.gov

STATE AND CONSUMERS AFFAIRS AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 ARNOLD SCHWARZENEGGER, GOVERNOR

**CERTIFICATION OF COSTS
 OF INVESTIGATIVE AND PROSECUTION
 BY AGENCY EXECUTIVE OFFICER**

I, Virginia K. Herold, declare that I am the Interim Executive Officer of the Board of Pharmacy, and in that capacity certify pursuant to the provisions of the Business and Professions Code Sections 4350 and 4359, that the Board filed Accusation Number 2931 against **Katonya Shaw**, who holds the pharmacy technician registration number TCH 55736.

**CERTIFICATION OF COSTS
 INCURRED THROUGH THE
 FILING OF THE ACCUSATION**

In my capacity as the Interim Executive Officer, I review and approve payment for costs incurred by the Board of Pharmacy in the enforcement of the laws and regulations under its jurisdiction. I have reviewed the records of the agency and these reflect that the following costs and fees have been incurred by the agency in connection with the investigation and prosecution of Accusation Number 2931 as of the filing of the Accusation on **May 2, 2006**.

- | | | |
|---------------------------------|----|--------|
| 1. Legal Analyst's costs for | | |
| 4 hours at \$92.00 per hour | \$ | 368.00 |
| 2. Attorney General's costs for | | |
| 4 hours at \$146.00 per hour | \$ | 584.00 |

| | | |
|---|----|--------|
| Total costs incurred through the filing of the Accusation: | \$ | 952.00 |
|---|----|--------|

CALIFORNIA BOARD OF PHARMACY

**CERTIFICATION OF COSTS INCURRED
AFTER FILING ACCUSATION**

Subsequent to filing the Accusation, the agency incurred the following additional costs in the investigation and prosecution of Accusation Number 2931 up to the commencement of the hearing of the matter before the Office of Administrative Hearings.

- | | |
|--|-----------|
| 1. Attorney General's costs for 4 hours at \$146.00 per hour | \$ 584.00 |
| 2. Attorney General's costs for 2.25 hours at \$158.00 per hour | \$ 355.50 |

Total costs incurred from
filing of Accusation to date: \$ 939.50

The total of the costs and fees paid and incurred by the agency in the investigation and prosecution of Case Number 2931 from commencement of the investigation through August 31, 2006, in the sum of:

\$ 1,891.50

CERTIFICATION

I certify pursuant to the provisions of Section 125.3 of the Business and Professions Code of the State of California that, to the best of my knowledge, the foregoing statement of costs incurred by the Board of Pharmacy is true and correct and that the amounts set forth therein do not exceed the actual and reasonable costs of investigation and prosecution in Case Number 2931.

Dated: October 12, 2006


Virginia K. Herold
Interim Executive Officer