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of the State of California  
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3 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
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8 Attorneys for Complainant  
9

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

13 In the Matter of the Accusation Against:

Case No. 3002

14 GLENN GREENBERG  
30153 Callaway Circle  
15 Murrieta, CA 72563

**DEFAULT DECISION  
AND ORDER**

16 Original Pharmacist License No. RPH 49982

[Gov. Code, §11520]

17 Respondent.

18  
19 FINDINGS OF FACT

20 1. On or about November 6, 2006, Complainant Virginia Herold, in her official  
21 capacity as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer  
22 Affairs, filed Accusation No. 3002 against Glenn Greenberg (Respondent) before the Board of  
23 Pharmacy.

24 2. On or about April 24, 1998, the Board of Pharmacy (Board) issued Original  
25 Pharmacist License No. RPH 49982 to Respondent. The Original Pharmacist License was in full  
26 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
27 2007, unless renewed.

28 ///

1           3.       On or about November 9, 2006, Tess Bautista, an employee of the Department of  
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. 3002, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 30153  
5 Callaway Circle, Murrieta, CA 72563. A copy of the Accusation, the related documents, and  
6 Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

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

9           5.       On or about November 27, 2006, the receipt for service of the certified mailing  
10 was returned, showing the signature of Respondent and stamped November 20, 2006. A copy of  
11 the postal receipt for certified mail delivery is attached as exhibit B are incorporated herein by  
12 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 files a  
15 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
16 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.       Respondent failed to file a Notice of Defense within 15 days after service upon  
19 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation  
20 No. 3002.

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 hearing, the  
23 agency may take action based upon the respondent's express admissions or upon other evidence  
24 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 finds  
26 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, contained in  
28 exhibits A, B and C, finds that the allegations in Accusation No. 3002 are true.



1 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

2 This Decision shall become effective on February 21, 2007.

3 It is so ORDERED January 22, 2007

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BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By *William Powers*  
WILLIAM POWERS  
Board President

Attachments:

- Exhibit A: Accusation No.3002, Related Documents, and Declaration of Service
- Exhibit B: Postal Return Receipt for Certified Mail
- Exhibit C: Certificate of Costs - Declaration of Susan Fitzgerald

Exhibit A

Accusation No. 3002,  
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MARGARET A. LAFKO  
Lead Supervising Deputy Attorney General

3  
4 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
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9 Attorneys for Complainant

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11 **BEFORE THE**  
**BOARD OF PHARMACY**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
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13 In the Matter of the Accusation Against: ) Case No. 3002  
14 )  
15 GLENN GREENBERG )  
30153 Callaway Circle )  
16 Murrieta, CA 72563 )  
17 Original Pharmacist License No. RPH 49982 )  
Respondent. )

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
22 capacity as the Acting Executive Officer of the Board of Pharmacy, Department of Consumer  
23 Affairs.

24 2. On or about April 24, 1998, the Board of Pharmacy issued Original Pharmacist  
25 License Number RPH 49982 to Glenn Greenberg (Respondent). The Original Pharmacist  
26 License was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on October 31, 2007, unless renewed.

28 ///



1 B. Section 490 of the Code states:

2 "A board may suspend or revoke a license on the ground that the licensee has been  
3 convicted of a crime, if the crime is substantially related to the qualifications, functions,  
4 or duties of the business or profession for which the license was issued. A conviction  
5 within the meaning of this section means a plea or verdict of guilty or a conviction  
6 following a plea of nolo contendere. Any action which a board is permitted to take  
7 following the establishment of a conviction may be taken when the time for appeal has  
8 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
9 granting probation is made suspending the imposition of sentence, irrespective of a  
10 subsequent order under the provisions of Section 1203.4 of the Penal Code."

11 C. Section 482 of the Code provides in pertinent part that the Board must develop  
12 criteria for evaluation of rehabilitation where it is considering suspending or revoking a license  
13 under Code section 490 and take into account all competent evidence of rehabilitation.

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

18 4. This Accusation also refers to the following sections of Title 16, California Code  
19 of Regulations (CCR):

20 A. CCR section 1769 states in pertinent part:

21 "(b) When considering the suspension or revocation of a facility or a personal license on  
22 the ground that the licensee or the registrant has been convicted of a crime, the board, in  
23 evaluating the rehabilitation of such person and his present eligibility for a license will consider  
24 the following criteria:

25 (1) Nature and severity of the act(s) or offense(s).

26 (2) Total criminal record.

27 (3) The time that has elapsed since commission of the act(s) or offense(s).

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1 (4) Whether the licensee has complied with all terms of parole, probation, restitution or  
2 any other sanction lawfully imposed against the licensee.

3 (5) Evidence, if any, of rehabilitation submitted by the licensee."

4 B. CCR section 1770 states:

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

11 CHARGES AND ALLEGATIONS

12 FIRST CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct: Conviction for Substantially Related Crime - 6/16/05  
14 5/27/05 Incident - Assault)

15 5. Respondent is subject to disciplinary action under Code sections 4301(1) and 490  
16 in that he was convicted of a crime substantially related to the qualifications, functions, or duties  
17 of a pharmacist. The circumstances are as follows:

18 A. On or about June 16, 2005, in San Diego Superior Court Case No. CN195417,  
19 *People v. Glenn Greenberg*, Respondent pled guilty and was convicted of misdemeanor assault, a  
20 violation of Penal Code section 240.

21 B. The facts and circumstances surrounding this conviction are as follows:

22 On May 27, 2005, Respondent threw large stones at both children and adults on the beach  
23 at Cardiff State Beach in Encinitas, California. When contacted by law enforcement, Respondent  
24 was shaking, constantly mumbling quietly, and when asked if he was throwing rocks down on  
25 the beach, responded, "I saw rocks on top of the bluff and that they made me nervous so I moved  
26 away from the bluff." Respondent could not follow simple verbal commands and fidgeted  
27 constantly.

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1 C. Respondent was sentenced to 3 years summary probation, to pay a \$775 fine, and  
2 to successfully complete a 12-session anger management program.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Conviction for Substantially Related Crime - 1/15/04  
5 8/26/02 Incident - ADW by Means Likely to Produce Great Bodily Injury)

6 6. Respondent is subject to disciplinary action under Code sections 4301(1) and 490  
7 in that he was convicted of a crime substantially related to the qualifications, functions, or duties  
8 of a pharmacist. The circumstances are as follows:

9 A. On or about January 1, 2004, in Los Angeles Superior Court Case No. 3JM00028,  
10 *People v. Glenn Greenberg*, Respondent pled nolo contendere and was convicted of  
11 misdemeanor assault with a deadly weapon by means likely to produce great bodily injury, a  
12 violation of Penal Code section 245(A)(1).

13 Probation was revoked on or about March 24, 2004 and a bench warrant issued for  
14 Respondent's arrest. On or about August 16, 2004, probation was reinstated with an order of  
15 restitution in the amount of \$2,223.17 paid by Respondent.

16 B. The facts and circumstances surrounding this conviction are as follows:  
17 On August 26, 2002, an off-duty police officer riding his motorcycle was almost hit by  
18 Respondent, who was driving a car. Thereafter, when the police officer drove up along side of  
19 Respondent, flashed his badge and told Respondent to pull over, Respondent put his car in  
20 reverse, backed up, then accelerated it forward, hitting the motorcycle and causing the police  
21 officer to fall to the ground, injuring the wrist of the police officer. Respondent ran over the  
22 motorcycle's rear tire, made a u-turn and drove erratically, nearly hitting pedestrians while being  
23 pursued by the police officer.

24 C. Respondent was sentenced to 3 years summary probation, 60 days in jail, to pay  
25 various fines and to successfully complete a 12-session anger management program.

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PRAYER

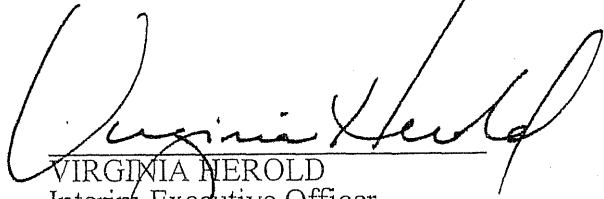
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Original Pharmacist License Number RPH 49982, issued to Glenn Greenberg;

2. Ordering Glenn Greenberg to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 11/6, 2006.



VIRGINIA HEROLD  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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1 BILL LOCKYER, Attorney General  
of the State of California  
2 MARGARET A. LAFKO  
Supervising Deputy Attorney General  
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9 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3002

13 GLENN IRA GREENBERG, RPH

**STATEMENT TO RESPONDENT**

14 Respondent.

[Gov. Code §§ 11504, 11505(b)]

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16  
17 TO RESPONDENT:

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

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

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

28 ///

1                   **Susan L. Fitzgerald**  
2                   **Deputy Attorney General**  
3                   **110 West "A" Street, Suite 1100**  
4                   **San Diego, California 92101**

5                   **P.O. Box 85266**  
6                   **San Diego, California 92186-5266.**

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

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

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

16                   The hearing may be postponed for good cause. If you have good cause, you are  
17 obliged to notify the Office of Administrative Hearings, 1350 Front Street, Suite 6022, San  
18 Diego, California 92101, within ten (10) working days after you discover the good cause. Failure  
19 to notify the Office of Administrative Hearings within ten (10) days will deprive you of a  
20 postponement.

21                   Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are  
22 enclosed.

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

27                   **NOTICE REGARDING STIPULATED SETTLEMENTS**

28                   It may be possible to avoid the time, expense and uncertainties involved in an  
administrative hearing by disposing of this matter through a stipulated settlement. A stipulated  
settlement is a binding written agreement between you and the government regarding the matters

1 charged and the discipline to be imposed. Such a stipulation would have to be approved by the  
2 Board of Pharmacy but, once approved, it would be incorporated into a final order.

3 Any stipulation must be consistent with the Board's established disciplinary  
4 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the  
5 Board's Disciplinary Guidelines will be provided to you on your written request to the state  
6 agency bringing this action.

7 If you are interested in pursuing this alternative to a formal administrative hearing,  
8 or if you have any questions, you or your attorney should contact Deputy Attorney General Susan  
9 L. Fitzgerald 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:

GLENN IRA GREENBERG, RPH

Respondent.

Case No. 3002

**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.



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

In the Matter of the Accusation Against:

GLENN IRA GREENBERG, RPH

Respondent.

Case No. 3002

**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:**

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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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3 SUSAN L. FITZGERALD, State Bar No. 112278  
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:  
13  
14 GLENN IRA GREENBERG, RPH  
15 Respondent.

Case No. 3002  
**REQUEST FOR DISCOVERY**  
[Gov. Code § 11507.6]

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:

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1 a. A statement of a person, other than the Respondent, named in the initial  
2 administrative pleading, or in any additional pleading, when it is claimed that the act or  
3 omission of the Respondent as to this person is the basis for the administrative  
4 proceeding;

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

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

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

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

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

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

26 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for  
27 Discovery should be deemed to authorize the inspection or copying of any writing or thing which

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

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

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

9 DATED: November 9, 2006

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

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SUSAN L. FITZGERALD  
16 Deputy Attorney General

17 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)

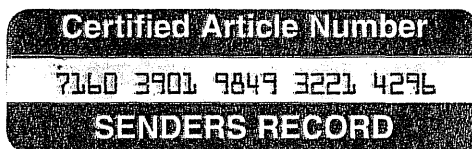
Case Name: **In the Matter of the Accusation Against: Glen Ira Greeberg, RPH**  
Case No.: **3002**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.


On November 9, 2006, 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 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

**Glenn Ira Greenberg, RPH**  
**30253 Callaway Circle**  
**Murrieta, CA 92563**  
**In Pro Per**



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 November 9, 2006, at San Diego, California.

Tess Bautista  
Declarant

  
Signature

cc: Virginia Herold, Interim Executive Officer, Board of Pharmacy



Exhibit B

Postal Return Receipt for Certified Mail

2. Article Number



7160 3901 9849 3221 4296

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

Glenn Ira Greenberg  
30253 Callaway Circle  
Murrieta, CA 92563

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) <i>Glenn Greenberg</i>	B. Date of Delivery <i>NOV 20 2006</i>
C. Signature <i>X Glenn Greenberg</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2006 NOV 27 AM 8:48  
ATTORNEY GENERAL  
SAN DIEGO

SD2006801262  
Susan L. Fitzgerald

Exhibit C

Certification of Costs - Declaration of Susan Fitzgerald

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MARGARET A. LAFKO  
Supervising Deputy Attorney General  
3 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101

6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2066  
8 Facsimile: (619) 645-2061

9 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:  
13  
14 GLENN GREENBERG  
15 Respondent.  
16  
17

Case No. 3002

**CERTIFICATION OF COSTS:**  
**DECLARATION OF SUSAN**  
**FITZGERALD**

[Business and Professions Code section  
125.3]

18  
19 I, SUSAN FITZGERALD, hereby declare and certify as follows:

20 1. I am a Deputy Attorney General employed by the California Department of Justice  
21 (DOJ), Office of the Attorney General (Office). I am assigned to the Licensing Section in the  
22 Civil Division of the Office. I have been designated as the representative to certify the costs of  
23 prosecution by DOJ and incurred by the Board of Pharmacy in this case. I make this certification  
24 in my official capacity and as an officer of the court and as a public employee pursuant to  
25 Evidence Code section 664.

26 2. I represent the Complainant, Virginia Herold, Interim Executive Officer of the  
27 Board of Pharmacy, in this action. I was assigned to handle this case on or around June 20, 2006.

28 ///





**Matter Time Activity By Professional Type**

As Of 12/12/2006

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj?	Stmn Date
<b>Matter ID: SD2006801262      Date Opened: 06/20/2006</b>									
<b>Description: Greenberg, Glenn Ira, RPH</b>									
<b>Professional Type: ATTORNEY</b>									
<b>Fiscal Year: 2006-2007</b>									
<b>Professional: Susan L. Fitzgerald</b>									
800211513	08/16/06	CV-LIC:110	03583	Case Evaluation/Assessment	1.25	\$158.00	\$197.50		08/31/06
800211515	08/16/06	CV-LIC:110	03583	Client Communication	0.25	\$158.00	\$39.50		08/31/06
800214842	08/29/06	CV-LIC:110	03583	Client Communication	0.25	\$158.00	\$39.50		08/31/06
800215201	08/31/06	CV-LIC:110	03583	Client Communication	0.25	\$158.00	\$39.50		08/31/06
800217825	09/13/06	CV-LIC:110	03583	Client Communication	0.25	\$158.00	\$39.50		09/30/06
800217830	09/13/06	CV-LIC:110	03583	Pleading Preparation	2.25	\$158.00	\$355.50		09/30/06
800217970	09/14/06	CV-LIC:110	03583	Pleading Preparation	0.25	\$158.00	\$39.50		09/30/06
800218637	09/18/06	CV-LIC:110	03583	Investigation	0.25	\$158.00	\$39.50		09/30/06
800231557	11/09/06	CV-LIC:110	03583	Case Management	0.25	\$158.00	\$39.50		11/30/06
800234399	11/22/06	CV-LIC:110	03583	Investigation	0.50	\$158.00	\$79.00		11/30/06
800235043	11/28/06	CV-LIC:110	03583	Case Management	0.25	\$158.00	\$39.50		11/30/06
800237581	12/07/06	CV-LIC:110	03583	Client Communication	0.25	\$158.00	\$39.50		
<b>Susan L. Fitzgerald Totals:</b>					<b>6.25</b>		<b>\$987.50</b>		
<b>2006-2007 Totals:</b>					<b>6.25</b>		<b>\$987.50</b>		
<b>ATTORNEY Totals:</b>					<b>6.25</b>		<b>\$987.50</b>		
<b>SD2006801262 Totals:</b>					<b>6.25</b>		<b>\$987.50</b>		