

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHEL W. VALENTINE, State Bar No. 153078
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-1034
6 Facsimile: (213) 897-2804
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3016

12 TANISHA JULIE EVANS
13 12831 S. Gibson Ave.
Compton, CA 90221

OAH No.

**DEFAULT DECISION
AND ORDER**

14 Pharmacy Technician Registration No. TCH
15 54003

[Gov. Code, §11520]

16 Respondent.

17 FINDINGS OF FACT

18 1. On or about January 5, 2007, Complainant Patricia F. Harris, in her
19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
20 Affairs, filed Accusation No. 3016 against Tanisha Julie Evans (Respondent) before the Board of
21 Pharmacy.

22 2. On or about January 8, 2004, the Board of Pharmacy (Board) issued
23 Pharmacy Technician Registration No. TCH 54003 to Respondent. The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on October 31, 2007, unless renewed.

26 3. On or about January 16, 2007, Lisa M. Daniele, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
28

1 3016, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
3 which was and is 12831 S. Gibson Ave. Compton, CA 90221, A copy of the Accusation, the
4 related documents, and Declaration of Service are attached as exhibit A, and are incorporated
5 herein by reference.

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

8 5. On January 17, 2007, the Respondent signed the Return Receipt Requested
9 (Green Card) acknowledging delivery and receipt of the documents indicated page 1 lines 27-28
10 thru page 2 lines 1-5. This card attached hereto as exhibit B, and is incorporated herein by
11 reference.

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

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
19 Accusation No. 3016.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board
26 finds Respondent is in default. The Board will take action without further hearing and, based on
27 Respondent's express admissions by way of default and the evidence before it, contained in
28 exhibits A, B and C, finds that the allegations in Accusation No. 3016 are true.

1 10. The total costs for investigation and enforcement are \$3064.00 as of May
2 23, 2007.

3 DETERMINATION OF ISSUES

4 1. Based on the foregoing findings of fact, Respondent Tanisha Julie Evans
5 has subjected her Pharmacy Technician Registration No. TCH 54003 to discipline.

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

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

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

11 a. Conviction of a crime California code of Regulation, title 16
12 Section 1770, 4300, 490, 4301;

13 b. Acts involving Moral Turpitude, dishonesty, fraud, deceit.
14 California Code of Regulations 4300, 4301 subdivision F.

15 c. Acts Warranting denial of License California Code of Regulations
16 4300, 4301 Subdivision p and 475 subdivision (a)(2), (a)(3) and (a)(4).

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 54003, heretofore issued to Respondent Tanisha Julie Evans, is revoked.

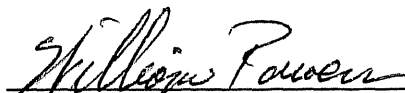
Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant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

This Decision shall become effective on August 8, 2007.

It is so ORDERED July 9, 2007

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


WILLIAM POWERS
Board President

60204495.wpd

DOJ docket number:LA2006601181

Attachments:

Exhibit A: Accusation No.3016, Related Documents, and Declaration of Service
Exhibit B: Postal Return Documents

Exhibit A
Accusation No. 3016,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 GLORIA A. BARRIOS,
Supervising Deputy Attorney General
3 MICHEL W. VALENTINE, State Bar No. 153078
Deputy Attorney General
4 California Department of Justice
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3016

13 TANISHA JULIE EVANS
12831 S. Gibson Ave.
Compton, CA 90221

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 54003

Respondent.

15 Complainant alleges:

16 PARTIES

17 1. Virginia K. Herold (Complainant) brings this Accusation solely in her
18 official capacity as the Interim Executive Officer of the Board of Pharmacy, Department of
19 Consumer Affairs (Board).
20

21 2. On or about January 8, 2004, the Board issued Pharmacy Technician
22 Registration No. TCH 54003 to Tanisha Julie Evans (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on October 31, 2007, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All Section references are to the Business and Professions Code unless
28 otherwise indicated.

1 4. Section 4300, subdivision (a), states that “[e]very license issued may be
2 suspended or revoked.”

3 5. Section 118, subdivision (b), provides that the suspension / expiration /
4 surrender / cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
5 disciplinary action during the period within which the license may be renewed, restored, reissued
6 or reinstated.

7 6. Section 475, subdivision (a), states, in pertinent part:

8 “Notwithstanding any other provisions of this code, the provisions of this division
9 shall govern the denial of licenses on the grounds of:

10

11 “(2) Conviction of a crime.

12 “(3) Commission of any act involving dishonesty, fraud or deceit with the intent
13 to substantially benefit himself or another, or substantially injure another.

14 “(4) Commission of any act which, if done by a licentiate of the business or
15 profession in question, would be grounds for suspension or revocation of license.”

16 7. Section 490 states:

17 “A board may suspend or revoke a license on the ground that the licensee has
18 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
19 duties of the business or profession for which the license was issued. A conviction within the
20 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
21 contendere. Any action which a board is permitted to take following the establishment of a
22 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
23 been affirmed on appeal, or when an order granting probation is made suspending the imposition
24 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
25 Penal Code.”

26 8. Section 4301 states, in pertinent part:

27 “The board shall take action against any holder of a license who is guilty of
28 unprofessional conduct or whose license has been procured by fraud or misrepresentation or

1 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
2 following:

3

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

7

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

10

11 “(p) Actions or conduct that would have warranted denial of a license. . . .”

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

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

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

23 FIRST CAUSE FOR DISCIPLINE

24 (Conviction of a Crime)

25 11. Respondent is subject to disciplinary action under sections 4300, 490 and
26 4301, subdivision (l), on the grounds of unprofessional conduct as defined in California Code of
27 Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially
28 related to the qualifications, duties and functions of a pharmacy technician, as follows:

1 a. On or about October 20, 2005, in a criminal proceeding entitled
2 *The People of the State of California v. Tanisha Julie Evans* in Los Angeles Superior Court,
3 South District, Long Beach, Case No. NA064087-A2, Respondent was convicted on a plea of
4 nolo contendere for violating Penal Code section 211 (robbery), a felony.

5 b. The circumstances of the conviction are that on or about November 23,
6 2004, at approximately 10:20 am, Long Beach Police responded to a strong arm robbery call
7 wherein Respondent robbed two women, ages 88 and 43, of their purses while they were waiting
8 at a bus stop. Respondent pulled at the elderly 88 year old woman's purse so hard that the 88
9 year old woman was dragged to the ground by her shoulder and was released only when the purse
10 straps broke. The 88 year old woman sustained injuries that caused her pain lasting longer than
11 five weeks. Immediately after the robbery, at approximately 11:30 am, at a 7-Eleven
12 convenience store in Compton, California, Respondent used the 43 year old woman's ATM card
13 to withdraw \$500 from her Washington Mutual Bank account.

14 SECOND CAUSE FOR DISCIPLINE

15 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit)

16 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
17 subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud
18 and deceit, as set forth above in paragraph 11.

19 THIRD CAUSE FOR DISCIPLINE

20 (Acts Warranting Denial of Licensure)

21 13. Respondent is subject to disciplinary action under sections 4300 and 4301,
22 subdivision (p), on the grounds of unprofessional conduct, in conjunction with section 475,
23 subdivisions (a)(2), (a)(3) and (a)(4), in that Respondent committed acts which would warrant
24 denial of licensure as set forth above in paragraphs 11 and 12.

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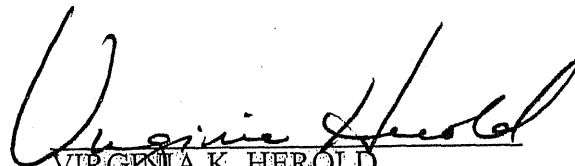
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1 PRAYER

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

- 4 1. Revoking or suspending Pharmacy Technician Registration No. TCH
5 54003, issued to Tanisha Julie Evans.
- 6 2. Ordering Tanisha Julie Evans to pay the Board of Pharmacy the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3;
- 9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 1/5/07

12 

13 VIRGINIA K. HEROLD
14 Interim Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California

18 Complainant

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
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3 MICHEL W. VALENTINE, State Bar No. 153078
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4 California Department of Justice
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3016

13 TANISHA JULIE EVANS

STATEMENT TO RESPONDENT

14 Respondent.

[Gov. Code §§ 11504, 11505(b)]

15
16 TO RESPONDENT:

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

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

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

27 **Michel W. Valentine**
28 **Deputy Attorney General**
Ronald Reagan Building
300 South Spring Street, Suite 1702
Los Angeles, CA 90013.

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, 320 West Fourth Street, Suite 630, Los
12 Angeles, CA 90013, 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.

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

5 If you are interested in pursuing this alternative to a formal administrative hearing,
6 or if you have any questions, you or your attorney should contact Deputy Attorney General
7 Michel W. Valentine at the earliest opportunity.

8 *****

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

In the Matter of the Accusation Against:

TANISHA JULIE EVANS

Respondent.

Case No. 3016

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:

TANISHA JULIE EVANS

Respondent.

Case No. 3016

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[Gov. Code §§ 11505 and 11506]

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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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of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 TANISHA JULIE EVANS
13
14 Respondent.

Case No. 3016
REQUEST FOR DISCOVERY
[Gov. Code § 11507.6]

15
16 TO RESPONDENT:

17 Under section 11507.6 of the Government Code of the State of California, parties
18 to an administrative hearing, including the Complainant, are entitled to certain information
19 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
20 Government Code concerning such rights is included among the papers served.
21

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

- 24 1. Provide the names and addresses of witnesses to the extent known to the
25 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
26 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
27 the following in the possession or custody or under control of the Respondent:
28

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

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

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: 1/16/07

10 EDMUND G. BROWN JR., Attorney General
11 of the State of California

12 GLORIA A. BARRIOS
13 Supervising Deputy Attorney General

14 

15 MICHEL W. VALENTINE
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: **Tanisha Julie Evans**

Case No.: 3016

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 January 16, 2007, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2x 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 **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2x 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 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Respondent:

Tanisha Julie Evans

12831 S. Gibson Ave.

Compton, CA 90221

Certified Mail No. 7001 0360 0003 6746 7772

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 January 16, 2007, at Los Angeles, California.

Lisa M. Daniele

Declarant

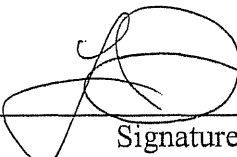

Signature

Exhibit B
Postal Return Documents

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Received by (Please Print Clearly) <i>Tanisha Evans</i>	B. Date of Delivery <i>01-17-07</i>
	C. Signature X <i>T. Evans</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Tanisha Julie Evans 2831 S. Gibson Ave. Compton, CA 90221	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) 7001 0360 0003 6746 7772		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
OFFICIAL USE		
Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage &		
Respondent:		
Sent To	Tanisha Julie Evans	
Street, Apt. No.; or PO Box No.	12831 S. Gibson Ave.	
City, State, ZIP+4	Compton, CA 90221	
PS Form 3800, January 2001	See Reverse for Instructions	

7001 0360 0003 6746 7772