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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3111

13 HOPE DEVINA VINES
14 3153 Boston Avenue
San Diego, CA 92113

DEFAULT DECISION & ORDER

[Gov. Code, § 11520]

15 Registration No. TCH 41863 VINES

16 Respondent.
17

18 FINDINGS OF FACT

19 1. On or about November 8, 2007, Complainant Virginia Herold, in her
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21 Affairs, filed Accusation No. 3111 against Hope Devina Vines (Respondent) before the Board of
22 Pharmacy.

23 2. On or about October 24, 2002, the Board of Pharmacy (Board) issued
24 Registration No. TCH 41863 to Respondent. The Registration was in full force and effect at all
25 times relevant to the charges brought herein and will expire on September 30, 2008, unless
26 renewed.

27 3. On or about November 14, 2007, Kim Cooney, an employee of the
28 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.

1 3111, 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 3153 Boston Avenue, San Diego, CA 92113. 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 or about November 19, 2007, the aforementioned documents were
9 returned by the U.S. Postal Service marked "Moved, Left No Address." A copy of the envelopes
10 returned by the post office are attached as Exhibit B, and are incorporated herein by reference.

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

12

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service
19 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
20 Accusation No. 3111.

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

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

26

27 9. Pursuant to its authority under Government Code section 11520, the Board
28 finds Respondent is in default. The Board will take action without further hearing and, based on
Respondent's express admissions by way of default and the evidence before it, contained in
exhibits A, B and C, finds that the allegations in Accusation No. 3111 are true.

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ORDER


IT IS SO ORDERED that Registration No. TCH 41863, heretofore issued to Respondent Hope Devina Vines, 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 February 13, 2008.

It is so ORDERED January 14, 2008

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
WILLIAM POWERS
Board President

80182486.wpd
DOJ docket number:SD2007801959

Attachments:

- Exhibit A: Accusation No. 3111, Related Documents, and Declaration of Service
- Exhibit B: Copy of Envelopes Returned by Post Office
- Exhibit C: Certification of Costs: Declaration of Amanda Dodds

Exhibit A
Accusation No. 3111,
Related Documents and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER, State Bar No. 101336
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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:	Case No. 3111
13 HOPE DEVINA VINES	ACCUSATION
14 3153 Boston Avenue	
14 San Diego, CA 92113	
15 Pharmacy Technician Registration No.	
15 TCH 41863	
16	
16 Respondent.	
17	

18 Complainant alleges:

19 PARTIES

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

23 2. On or about October 24, 2002, the Board of Pharmacy issued Pharmacy
24 Technician Registration Number 41863 to Hope Devina Vines (Respondent). The Registration
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 September 30, 2008, unless renewed.

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7. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

8. Section 4301 of the Code states:

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

....

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

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. . . .

....

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

9. Section 4022 of the Code states:

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

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

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(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.

10. Section 4059(a) of the Code states, in pertinent part:

A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

11. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. . . .

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

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

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

14. California Code of Regulations, title 16, section 1769, states:

....

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

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).

///

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

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

4 **DRUGS**

5 15. Promethazine and codeine is a Schedule V controlled substance as
6 designated by Health and Safety Code section 11058(c), and is a dangerous drug pursuant to
7 Business and Professions Code section 4022.

8
9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Criminal Conviction for Grand Theft on February 7, 2007)**

11 16. Respondent has subjected her license to discipline under sections 490 and
12 4301(l) of the Code in that she was convicted of a crime that is substantially related to the
13 qualifications, duties, and functions of a Pharmacy Technician. The circumstances are as
14 follows:

15 a. On or about February 7, 2007, in a criminal proceeding entitled
16 *People v. Hope D. Vines*, in San Diego County Superior Court, case number CD201878,
17 Respondent was convicted on her plea of no contest of violating Penal Code section 487(a),
18 grand theft, a misdemeanor pursuant to Penal Code section 17(b).

19 b. As a result of the conviction, on or about February 7, 2007,
20 Respondent was sentenced to seven days in the county jail, three years summary probation,
21 payment of fines, fees, and restitution, completion of an eight-hour Adult Shoplifting Program,
22 and standard terms and conditions.

23 c. The facts that lead to the conviction were that on or about October
24 12, 2006, the Drug Enforcement Agency (DEA) conducted an investigation concerning the
25 theft/loss of a Schedule V controlled substance, Prometh with Codeine cough syrup
26 (Promethazine) from a Sharp Rees Stealy pharmacy (Sharp) where Respondent was employed.
27 A Sharp audit revealed an initial shortfall of 80 pint bottles of Promethazine. Respondent was
28 suspended by Sharp pending the outcome of an internal investigation into the missing

1 Promethazine. During the DEA's investigation, it was revealed that Respondent had a personal
2 relationship with a man (TK) who had been recently arrested for felony transportation and
3 possession of a controlled substance (Promethazine). It was also revealed that Respondent was
4 having financial problems, that TK called Respondent at Sharp on a daily basis, and that TK
5 visited her at work on several occasions. On or about November 30, 2006, Respondent was
6 arrested by agents of the San Diego Integrated Narcotic Task Force for the theft of 100 pint
7 bottles of Promethazine from Sharp.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct - Commission of an Act Involving Dishonesty, Fraud & Deceit)**

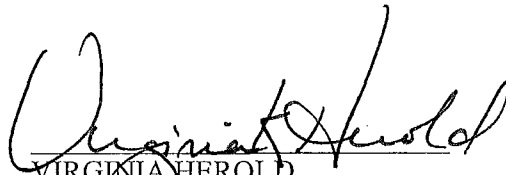
10 17. Respondent has subjected her license to discipline under section 4301(f)
11 of the Code in that Respondent committed dishonesty, fraud, and deceit when she stole
12 Promethazine from her employer, as detailed in paragraph 16, above.

13
14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number
18 41863, issued to Hope Devina Vines;
- 19 2. Ordering Hope Devina Vines to pay the Board of Pharmacy the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 11/8/07

24
25 
26 VIRGINIA HEROLD
27 Executive Officer
28 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 AMANDA DODDS, State Bar No. 101336
Legal Analyst
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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3111

13 HOPE DEVINA VINES
14 3153 Boston Avenue
San Diego, CA 92113

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

15 Pharmacy Technician Registration No.
16 TCH 41863

Respondent.

17
18 TO RESPONDENT:

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

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

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

1 **Amanda Dodds**
2 **Legal Analyst**
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, CA 92101, within ten (10) working days after you discover the good cause. Failure to
19 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 Legal Analyst.

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 Legal Analyst Amanda Dodds
9 at the earliest opportunity.

10 DATED: November 14, 2007

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

13 LINDA K. SCHNEIDER
14 Supervising Deputy Attorney General

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16 AMANDA DODDS
17 Legal Analyst

18 Attorneys for Complainant

19 AD:kc
20 80180407.wpd
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10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 HOPE DEVINA VINES
14 3153 Boston Avenue
San Diego, CA 92113
15 Pharmacy Technician Registration No.
TCH 41863

16 Respondent.

Case No. 3111

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

18 TO RESPONDENT:

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

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

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

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 14, 2007

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

12 LINDA K. SCHNEIDER
13 Supervising Deputy Attorney General

14 

15 AMANDA DODDS
16 Legal Analyst

17 Attorneys for Complainant

18 AD:kc
19 80180407.wpd
20 SD2007801959

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

In the Matter of the Accusation Against:

HOPE DEVINA VINES
3153 Boston Avenue
San Diego, CA 92113

Pharmacy Technician Registration No.
TCH 41863

Respondent.

Case No. 3111

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.

**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

Case Name: **In the Matter of the Accusation Against: HOPE DEVINA VINES**

Board of Pharmacy Case No.: **3111**

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.

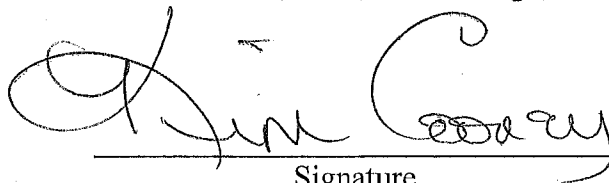
On November 14, 2007, I served the attached **Accusation, Request for Discovery, Statement to Respondent, Notice of Defense (2 copies), Copy of Government Code Sections 11507.5, 11507.6 and 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, 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:

Hope Devina Vines
3153 Boston Avenue
San Diego, CA 92113
Certified Mail Number
7160 3901 9845 1161 4028

I declare under penalty of perjury under the law of the State of California the foregoing is true and correct and that this declaration was executed on November 14, 2007, at San Diego, California.

Kim Cooney

Declarant



Signature

cc: Kim DeLong, Enforcement Analyst, Board of Pharmacy, Sacramento

80180417.wpd

7160 3901 9845 1161 4028

TO: Hope Devina Vines
3153 Boston Avenue
San Diego, CA 92113

SENDER: Amanda Dodds

REFERENCE: Hope Devina Vines

PS Form 3800, January 2005

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

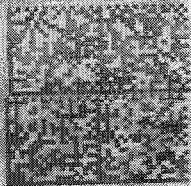
US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

Exhibit B

Copy of Envelopes Returned by Post Office



Dodds
 STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
 OFFICE OF ATTORNEY GENERAL
 110 WEST A STREET, SUITE 1100
 P.O. BOX 85266
 SAN DIEGO, CA 92186-5266

HOPE DEVINA VINES
3153 BOSTON AVENUE
SAN DIEGO, CA 92113



REASON CHECKED

- Moved, Left No Address
 - Unable To Forward
 - Attempted - Not Known
 - Unclaimed
 - No Such Street
 - Insufficient Address
 - Refused
 - No Such Number
- Rt. _____ Init. *rl*

ATTORNEY GENERAL
 SAN DIEGO
 2007 NOV 19 AM 10:37

RETURN RECEIPT REQUESTED
USPS MAIL CARRIER
DETACH ALONG PERFORATION

2. Article Number



7160 3901 9845 1161 4028

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Hope Devina Vines
3153 Boston Avenue
San Diego, CA 92113

Hope Devina Vines

Amanda Dodds

PS Form 3811, January 2005

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Agent

Addressee

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

Yes

No

Thank you for using Return Receipt Service

Exhibit C

Certification of Costs: Declaration of Amanda Dodds

12/4/07
Approved
JCS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General
3 AMANDA DODDS
Legal Analyst
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2141
Facsimile: (619) 645-2061

7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 HOPE DEVINA VINES
3153 Boston Avenue
14 San Diego, CA 92113
15 Registration No. TCH 41863
16 Respondent.

Case No. 3111
**CERTIFICATION OF COSTS:
DECLARATION OF AMANDA
DODDS**
[Business & Professions Code § 125.3]

17
18 I, AMANDA DODDS, hereby declare and certify as follows:

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

24 2. I represent the Complainant, Virginia Herold, Executive Officer of the
25 Board of Pharmacy, in this action. I was assigned to handle this case on or around August 2,
26 2007.

27 3. Our Office's computerized case management system reflect that Linda K.
28 Schneider, Supervising Deputy Attorney General, also performed tasks related to this matter.

EXHIBIT A



Matter Time Activity By Professional Type

As Of 12/4/2007

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj?	Stmn Date
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Matter ID: SD2007801959 Date Opened: 08/02/2007
Description: Vines, Hope Devina, TCH

Professional Type: ATTORNEY

Fiscal Year: 2007-2008

Professional: Linda K. Schneider

800298247	08/10/07	CV-LIC:110	03583	Supervisory Review	0.25	\$158.00	\$39.50		08/31/07
800302103	08/27/07	CV-LIC:110	03583	Supervisory Review	0.25	\$158.00	\$39.50		08/31/07

Linda K. Schneider Totals: 0.50 \$79.00

Professional: Ron Espinoza

800297577	08/08/07	CV-LIC:110	03583	Supervisory Review	1.00	\$158.00	\$158.00		08/31/07
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Ron Espinoza Totals: 1.00 \$158.00

2007-2008 Totals: 1.50 \$237.00

ATTORNEY Totals: 1.50 \$237.00

Professional Type: PARALEGAL

Fiscal Year: 2007-2008

Professional: Amanda Dodds

800296888	08/07/07	CV-LIC:110	03583	Case Evaluation/Assessment	0.75	\$101.00	\$75.75		08/31/07
800297196	08/07/07	CV-LIC:110	03583	Pleading Preparation	2.50	\$101.00	\$252.50		08/31/07
800297756	08/09/07	CV-LIC:110	03583	Pleading Preparation	0.75	\$101.00	\$75.75		08/31/07
800297976	08/10/07	CV-LIC:110	03583	Pleading Preparation	0.50	\$101.00	\$50.50		08/31/07
800298345	08/13/07	CV-LIC:110	03583	Pleading Preparation	1.00	\$101.00	\$101.00		08/31/07
800301967	08/27/07	CV-LIC:110	03583	Case Evaluation/Assessment	0.25	\$101.00	\$25.25		08/31/07
800305088	09/06/07	CV-LIC:110	03583	Client Communication	0.50	\$101.00	\$50.50		10/31/07
800305090	09/06/07	CV-LIC:110	03583	Pleading Preparation	0.50	\$101.00	\$50.50		10/31/07
800314483	10/15/07	CV-LIC:110	03583	Client Communication	0.75	\$101.00	\$75.75		10/31/07
800317939	10/30/07	CV-LIC:110	03583	Client Communication	0.25	\$101.00	\$25.25		10/31/07
800318825	11/01/07	CV-LIC:110	03583	Client Communication	0.50	\$101.00	\$50.50		
800321928	11/13/07	CV-LIC:110	03583	Case Management	0.25	\$101.00	\$25.25		
800323736	11/20/07	CV-LIC:110	03583	Client Communication	0.25	\$101.00	\$25.25		
800324103	11/21/07	CV-LIC:110	03583	Client Communication	0.25	\$101.00	\$25.25		
800324355	11/26/07	CV-LIC:110	03583	Client Communication	0.25	\$101.00	\$25.25		

Matter Time Activity By Professional Type

As Of 12/4/2007

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj?	Stmn Date
800324374	11/26/07	CV-LIC:110	03583	Pleading Preparation	0.75	\$101.00	\$75.75		
800324408	11/26/07	CV-LIC:110	03583	Pleading Preparation	0.50	\$101.00	\$50.50		
Amanda Dodds Totals:					10.50		\$1,060.50		
2007-2008 Totals:					10.50		\$1,060.50		
PARALEGAL Totals:					10.50		\$1,060.50		
SD2007801959 Totals:					12.00		\$1,297.50		



Cost-of-Suit Summary

As Of 12/04/2007

Matter ID: SD2007801959

Date Opened: 08/02/2007

Description Vines, Hope Devina, TCH

Total Legal Costs: \$1,297.50
Cost-of-Suit: \$0.00
Grand Total: \$1,297.50

Matter Time Activity Summary

Rate	Hrs Wrkd	Amount
Professional Type: Attorney		
FY: 2007-2008		
\$158.00	1.50	\$237.00
FY 2007-2008 Total:		\$237.00
Attorney Total:		\$237.00

Professional Type: Paralegal

FY: 2007-2008		
\$101.00	10.50	\$1,060.50
FY 2007-2008 Total:		\$1,060.50
Paralegal Total:		\$1,060.50

Total Legal Costs: \$1,297.50

Cost-of-Suit

Entry #	Journal Date	Vendor #	Vendor	Schedule	Reference	Amount
---------	--------------	----------	--------	----------	-----------	--------

Client Agency:

FY:

Component Description:

Total: \$0.00
FY Total: \$0.00
Client Agency Total: \$0.00

Cost-of-Suit: \$0.00

* Denotes soft costs which are not included in totals.