1	BILL LOCKYER, Attorney General			
2	of the State of California JANICE K. LACHMAN, State Bar No. 186131			
3	Deputy Attorney General California Department of Justice			
4	1300 I Street, Suite 125 P.O. Box 944255			
5	Sacramento, CA 94244-2550 Telephone: (916) 445-7384			
6	Facsimile: (916) 327-8643			
7	Attorneys for Complainant			
8	BEFORE T BOARD OF PH			
9	DEPARTMENT OF CON STATE OF CAL	SUMER AFFAIRS		
10	STATE OF CAL	IFURINA		
11	In the Matter of the Accusation Against:	Case No. 2694		
12	HENRY LALO CORREA 4661 Danroth Drive	OAH No.		
13	Sacramento, CA 95838	DEFAULT DECISION AND ORDER		
14	Original Pharmacy Technician Registration No. TCH 37447	[Gov. Code, §11520]		
15	Respondent.			
16				
17				
18	<u>FINDINGS OI</u>	F FACT		
19	1. On or about October 24, 2003	, Complainant Patricia F. Harris, in her		
20	official capacity as the Executive Officer of the Boa	rd of Pharmacy, Department of Consumer		
21	Affairs, filed Accusation No. 2694 against Henry La	lo Correa (Respondent) before the Board of		
22	Pharmacy.			
23	2. On or about May 3, 2001, the	Board of Pharmacy (Board) issued Original		
24	Pharmacy Technician Registration No. TCH 37447 to Respondent. The Original Pharmacy			
25	Technician Registration was in full force and effect at all times relevant to the charges brought			
26	herein and will expire on December 31, 2004, unless	s renewed.		
27	3. On or about October 29, 2003	, Teresa Franklin, an employee of the		
28	Department of Justice, served by Certified and First	Class Mail a copy of the Accusation No.		
	1			

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1 2694, 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 4661 Danroth Drive, Sacramento, CA 95838. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit "A", and are incorporated 4 5 herein by reference. Service of the Accusation was effective as a matter of law under the 6 4. 7 provisions of Government Code section 11505, subdivision (c). 8 5. On or about October 31, 2003, the green certified mailing return receipt 9 was received at the Department of Justice, signed as received by Erma Olivo, who is respondent's mother according to information contained in the investigation report documents 10

upon which the Accusation is based. No other documents were returned. A copy of the certified
mailing return receipt is attached hereto as Exhibit "B".

13

6.

Government Code section 11506 states, in pertinent part:

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service
19 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
20 Accusation No. 2694.

8. California Government Code section 11520 states, in pertinent part:
"(a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions or
upon other evidence and affidavits may be used as evidence without any notice to
respondent."

9. Pursuant to its authority under Government Code section 11520, the Board
finds Respondent is in default. The Board will take action without further hearing and, based on
///

1	Respondent's express admissions by way of default and the evidence before it, contained in				
2	exhibits A and B finds that the allegations in Accusation No. 2694 are true.				
3	10. The to	otal costs for investigation and enforcement are \$1,148.00 as of			
4	January 14, 2004.				
5		DETERMINATION OF ISSUES			
6	1. Based	on the foregoing findings of fact, Respondent Henry Lalo Correa			
7	has subjected his Original P	harmacy Technician Registration No. TCH 37447 to discipline.			
8	2. A cop	y of the Accusation and the related documents and Declaration of			
9	Service are attached.				
10	3. The a	gency has jurisdiction to adjudicate this case by default.			
11	4. The E	oard of Pharmacy is authorized to revoke Respondent's Original			
12	Pharmacy Technician Regis	tration based upon the following violations alleged in the Accusation:			
13	a.	Business and Professions Code section 4301(l) (Substantially			
14	Related Criminal Conviction).				
15	b.	Business and Professions Code section 4301(f) (corrupt act).			
16	5 c.	Business and Professions Code section 4301(j) (Violating Statute			
17	Regulating Controlle	ed Substance).			
18	d.	Business and Professions Code section 4301(o) (Violating Laws			
19	Governing Pharmacy	/).			
20) ///				
21	. ///	· ·			
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ORDER

1	ORDER				
2	IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH				
3	37447, heretofore issued to Respondent Henry Lalo Correa, is revoked.				
4	Pursuant to Government Code section 11520, subdivision (c), Respondent may				
5	serve a written motion requesting that the Decision be vacated and stating the grounds relied on				
6	within seven (7) days after service of the Decision on Respondent. The agency in its discretion				
7	may vacate the Decision and grant a hearing on a showing of good cause, as defined in the				
8	statute.				
9	This Decision shall become effective on <u>April 25, 2004</u> .				
10	It is so ORDERED <u>March 26, 2004</u>				
11					
12					
13	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS				
14	STATE OF CALIFORNIA				
15					
16	By JOHN D. JONES				
17	Board President				
18					
19					
20	Attachments:				
21 22	Exhibit A:Accusation No.2694, Related Documents, and Declaration of ServiceExhibit B:Postal Return Documents				
22					
23 24					
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Exhibit A

Accusation No. 2694, Related Documents and Declaration of Service

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	COPY				
1	BILL LOCKYER, Attorney General				
2	of the State of California JANICE K. LACHMAN, State Bar No. 186131				
3	Deputy Attorney General California Department of Justice				
	1300 I Street, Suite 125 P.O. Box 944255				
4	Sacramento, CA 94244-2550				
5	Telephone: (916) 445-7384 Facsimile: (916) 327-8643				
6	Attorneys for Complainant				
7	Attorneys for Complanian				
8	BEFORE				
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS				
10	STATE OF CALIFORNIA				
11	In the Matter of the Accusation Against:	Case No. 2694			
12	HENRY LALO CORREA 4661 Danroth Drive	ACCUSATION			
13	Sacramento, CA 95838				
14	Original Pharmacy Technician Registration No. TCH 37447				
15	Respondent.				
16					
17	Complainant alleges:				
18	PARTIES				
19	1. Patricia F. Harris (Complaina	nt) brings this Accusation solely in her			
20	official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer				
21	Affairs.	· · · · · · · · · · · · · · · · · · ·			
22	2. On or about May 3, 2001, the	Board of Pharmacy issued Original			
23	Pharmacy Technician Registration Number TCH 37				
24	Original Pharmacy Technician Registration was in f	un force and effect at all times relevant to the			

25 charges brought herein and will expire on December 31, 2004, unless renewed.

26

JURISDICTION

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27 3. This Accusation is brought before the Board of Pharmacy (Board), 28 Department of Consumer Affairs, under the authority of the following laws. All section

references are to the Business and Professions Code unless otherwise indicated.

1

4. Section 4301 of the Code provides that the Board shall take action against
 any licensee who is guilty of unprofessional conduct, which is defined by Code section 4301 as
 including, but as not limited to, any of the following:

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

8 "(j) The violation of any of the statutes of this state or of the United States
9 regulating controlled substances and dangerous drugs....

10 "(1) 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 11 12 (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 13 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 14 15 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order 16 17 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the 18 19 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty 20 or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision.... 21

"(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.

5. Business and Professions Code section 4022 defines a dangerous drug as
any drug or device unsafe for self-use, and includes any drug or device "that by federal or state
law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

Business and Professions Code section 4021 defines "controlled substance" 6. 1 to mean "any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of 2 3 the Health and Safety Code."¹ Section 125.3 of the Code states, in pertinent part, that the Board may 7. 4 request the administrative law judge to direct a licentiate found to have committed a violation or 5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation 6 and enforcement of the case. 7 FIRST CAUSE FOR DISCIPLINE 8 (Criminal Conviction) 9 Respondent is subject to disciplinary action under section 4301(1) in that 8. 10 on or about January 15, 2003, in Sacramento County Superior Court, in a case entitled People vs. 11 Henry Lalo Correa, Case No. 02FO6722, Respondent was convicted, based upon his plea of 12 13 guilty, of violating Health and Safety Code section 11378 (Possession of Controlled Substance For Sale). Respondent also admitted that, in connection with the charge, he was personally 14 armed with firearms within the meaning of Penal Code section 12022(c). The underlying 15 16 circumstances of the conviction are as follows: 17 On or about August 8, 2002, while Respondent was on criminal Α. probation, a search warrant was obtained for Respondent and his residence. The search warrant 18 19 was obtained after information was received that Respondent had struck his wife within the 20 preceding 30 days and that Respondent had resided away from his address of record. Both items 21 were in violation of Respondent's existing criminal probation, imposed as a result of a prior criminal conviction for violation of Penal Code section 243(d) (Battery with Serious Bodily 22 23 Injury), a felony. The prior conviction was the result of an incident of domestic violence by 24 /// 25 26 27 1. Controlled substances, as defined by Code section 2021, constitute dangerous drugs 28 pursuant to Code section 4022.

B. Ordering Henry Lalo Correa 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; Taking such other and further action as deemed necessary and proper. C. DATED: 10/22 TRICIA F. HARRIS PA **Executive Officer** Board of Pharmacy Department of Consumer Affairs State of California Complainant acc.wpd jkl

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н. К							
	1	BILL LOCKYER, Attorney General					
and the second second	2	of the State of California JANICE K. LACHMAN, State Bar No. 186131					
	3	Deputy Attorney General California Department of Justice					
	4 [.]	1300 I Street, Suite 125 P.O. Box 944255					
	5	Sacramento, CA 94244-2550 Telephone: (916) 445-7384 Facsimile: (916) 327-8643					
	6						
	7	Attorneys for Complainant	•				
	8	BEFORE THE					
	9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS					
	10	STATE OF CAL	IFORNIA				
	11	In the Matter of the Accusation Against:	Case No. 2694				
	12	HENRY LALO CORREA	REQUEST FOR DISCOVERY				
	13	Respondent.	[Gov. Code § 11507.6]				
	14						
	15	TO RESPONDENT:					
	16	Under section 11507.6 of the Government Code of the State of California, parties					
	17	to an administrative hearing, including the Complainant, are entitled to certain information					
	18	concerning the opposing party's case. A copy of the provisions of section 11507.6 of the					
	19	Government Code concerning such rights is included among the papers served.					
	20						
	21	PURSUANT TO SECTION 11507.6	OF THE GOVERNMENT CODE, YOU				
	22	ARE HEREBY REQUESTED TO:					
	23	1. Provide the names and addresses of witnesses to the extent known to the					
	24	Respondent, including, but not limited to, those intended to be called to testify at the hearing, and					
	25	2. Provide an opportunity for the Complainant to inspect and make a copy of any of					
	26	the following in the possession or custody or under control of the Respondent:					
	27	a. A statement of a person, other than the Respondent, named in the initial					
	28	administrative pleading, or in any additional	pleading, when it is claimed that the act or				
		1					

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

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

c. Statements of witnesses then proposed to be called by the Respondent 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 Respondent now proposes to offer in evidence;

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

f. Investigative reports made by or on behalf of the Respondent 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 Request for Discovery, "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.

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
28 ///

X				
5 I				
(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: $\frac{10/29/03}{0}$		
	10	BILL LOCKYER, Attorney General of the State of California		
	11			
	12			
	13	JANICE K. LACHMAN		
	14	Deputy Attorney General		
	15	Attorneys for Complainant		
	16	frff 10/29/03		
	17	Req for discover.wpt 10/31/00		
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1	BILL LOCKYER, Attorney General of the State of California					
2	JANICE K. LACHMAN, State Bar No. 186131 Deputy Attorney General					
3	California Department of Justice 1300 I Street, Suite 125 P.O. Box 944255					
5	Sacramento, CA 94244-2550 Telephone: (916) 445-7384					
6	Facsimile: (916) 327-8643					
7	Attorneys for Complainant					
8	BEFORE					
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS					
10	STATE OF CAL	IFUKIMA				
11	In the Matter of the Accusation Against:	Case No. 2694				
12	HENRY LALO CORREA	STATEMENT TO RESPONDENT				
13	Respondent.	[Gov. Code §§ 11503, 11505, subd. (b)]				
14						
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 (F	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 Attor	ney General Janice K. Lachman, 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	///					
28	///					
	. 1					

۰.

1 Janice K. Lachman **Deputy Attorney General** 2 1300 I Street, Suite 125 P.O. Box 944255 3 Sacramento, California 94244-2550. 4 You may, but need not, be represented by counsel at any or all stages of these 5 6 proceedings. 7 The enclosed Notice of Defense, if signed and filed with the Board, shall be 8 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any 9 objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation 10 11 on you. 12 If you file any Notice of Defense within the time permitted, a hearing will be held 13 on the charges made in the Accusation. 14 The hearing may be postponed for good cause. If you have good cause, you are 15 obliged to notify the Office of Administrative Hearings, 560 J Street, Suite 340/360, Sacramento, 16 California 95814, within ten (10) working days after you discover the good cause. Failure to 17 notify the Office of Administrative Hearings within ten (10) days will deprive you of a 18 postponement. 19 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are 20 enclosed. 21 If you desire the names and addresses of witnesses or an opportunity to inspect 22 and copy the items mentioned in section 11507.6 of the Government Code in the possession, 23 custody or control of the Board you may send a Request for Discovery to the above designated 24 Deputy Attorney General. 25 NOTICE REGARDING STIPULATED SETTLEMENTS 26 It may be possible to avoid the time, expense and uncertainties involved in an 27 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated 28 settlement is a binding written agreement between you and the government regarding the matters 2

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

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

8 If you are interested in pursuing this alternative to a formal administrative hearing,
9 or if you have any questions, you or your attorney should contact Deputy Attorney General Janice
10 K. Lachman at the earliest opportunity.

trf 10/29/03 statement to respondent.wpt 7/24/01

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

In the Matter of the Accusation Against:

HENRY LALO CORREA

Case No. 2694

NOTICE OF DEFENSE

Respondent.

[Gov. Code §§ 11505 and 11506]

.

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED:

Respondent's Name Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

I 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.

Notice of Defense.wpt 8/30/01

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

In the Matter of the Accusation Against:

HENRY LALO CORREA

Case No. 2694

NOTICE OF DEFENSE

Respondent.

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: ______ Respondent's Name ______ Respondent's Signature ______ Respondent's Mailing Address ______ City, State and Zip Code ______ Respondent's Telephone Number ______

Check appropriate box:

I 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.

Notice of Defense.wpt 8/30/01

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.

discovery statutes.wpt 5/9/00

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

In the Matter of the Accusation Against: Henry Lalo Correa

Agency Case No. 2694

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 October 29, 2003, 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 1300 I Street, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Henry Lalo Correa 4661 Danroth Drive Sacramento, CA 95838



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 October 29, 2003, at Sacramento, California.

Teresa Franklin

Veresa Franklin

Typed Name

Signature

cc: Board of Pharmacy

Exhibit B Postal Return Documents

2. Article Number	COMPLETE THIS SECTION ON DELIVERY			
	A. Received by (Please Print Clearly)	B. Date of De		
7160 3901 9648 0075 4787	X Loss and the second			
3. Service Type CERTIFIED MAIL				
4. Restricted Delivery? (Extra Fee)				
1. Article Addressed to:	LIDONELLYNONG			

Henry Lalo Correa 4661 Danroth Drive Sacramento, CA 95838

BOILSUL	30	1212	111	9.4	056
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2003 OCT 31 RM 10: 50

RECEIVED RECEIVED

SA2003103436

Janice K. Lachman

B. Date of Delivery 12-306

Agent Address

Ves

PS Form 3811, July 2001

Domestic Return Receipt

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