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7

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of
10 **ROBERT NEUMAN,**
11 Holder of License No. T014468
12 As a Pharmacy Technician Trainee
13 In the State of Arizona

Case No. 09-0029-PHR
**MOTION TO VACATE HEARING
AND MOTION TO DEEM
ALLEGATIONS IN COMPLAINT
ADMITTED**

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15 The State of Arizona hereby requests that the Arizona Board of Pharmacy (the
16 “Board”) vacate the hearing set for September 24, 2009, at 9:00 a.m. and deem the
17 allegations contained in the Board’s Complaint and Notice of Hearing admitted pursuant
18 to A.R.S. § 32-1927.01(O).

19 The Complaint and Notice of Hearing notified Respondent that, pursuant to A.R.S.
20 § 32-1927.01(O), he was required to prepare and file with the Board an Answer to the
21 allegations in the Complaint within 30 days after service. It further notified Respondent
22 that his failure to respond within 30 days would be deemed an admission by default of the
23 acts charged in the Complaint.
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1 Pursuant to Arizona Administrative Code R4-23-115(F), service is considered to
2 be made (1) five days after mailing by first-class mail; or (2) on the date of the return
3 receipt if it is mailed by certified mail. The Complaint and Notice of Hearing was mailed
4 by first-class and certified mail on March 25, 2009.

5 Respondent's Answer was due on or before April 29, 2009. Respondent has failed
6 to file an Answer. As such, the state requests that the hearing scheduled for September
7 24, 2009, at 9:00 a.m. be vacated and that the allegations contained in the Complaint and
8 Notice of Hearing be deemed admitted pursuant to A.R.S. § 32-1927.01(O).

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10 RESPECTFULLY SUBMITTED this 30th day of April, 2009.

11 TERRY GODDARD
12 Attorney General

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14 Elizabeth Campbell
15 Assistant Attorney General

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1 ORIGINAL filed this 30th day of
2 April, 2009, with:

3 Arizona Board of Pharmacy
4 1700 W. Washington Street, Suite 250
5 Phoenix, Arizona 85007

6 COPY of the foregoing mailed first class mail
7 this 30th day of April, 2009, to:

8 Robert Neuman
9 7950 E. Stella #H-5
10 Tucson, AZ 85730
11 Respondent

12 COPY of the foregoing hand-delivered
13 this 30th day of April, 2009, to:

14 Christopher Munns
15 Assistant Attorney General
16 1275 W. Washington Street, CIV/SGO
17 Phoenix, Arizona 85007
18 Attorney for the Board

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20 _____
21 439165

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