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ARIZONA STATE
BOARD OF PHARMACY

TERRY GODDARD
Attorney General
(Firm State Bar No. 14000)

ELIZABETH A. CAMPBELL
Assistant Attorney General
State Bar No. 018311
1275 W. Washington, CIV/LES
Phoenix, Arizona 85007-2997
Tel: (602) 542-7979
Fax: (602) 364-3202
Attorneys for the State

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of **JOSHUA ADAMS,** Holder of License No. T006970 As a Pharmacy Technician In the State of Arizona	Case No. 09-0040-PHR **MOTION TO VACATE HEARING AND MOTION TO DEEM ALLEGATIONS IN COMPLAINT ADMITTED**

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

The Complaint and Notice of Hearing notified Respondent that, pursuant to A.R.S. § 32-1927.01(O), he was required to prepare and file with the Board an Answer to the allegations in the Complaint within 30 days after service. It further notified Respondent that his failure to respond within 30 days would be deemed an admission by default of the acts charged in the Complaint.

Pursuant to Arizona Administrative Code R4-23-115(F), service is considered to be made (1) five days after mailing by first-class mail; or (2) on the date of the return receipt if it is mailed by certified mail. The Complaint and Notice of Hearing was mailed by first-class and certified mail on March 25, 2009.

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

RESPECTFULLY SUBMITTED this 30th day of April, 2009.

TERRY GODDARD
Attorney General

Elizabeth Campbell
Assistant Attorney General

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

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

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

Joshua Adams
3313 W. Constitution Drive
Chandler, AZ 85226
Respondent

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

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

Linda Cooper
453791