

47 request, notifies the Board or Administrative Law Judge that it will not appear, or fails to appear
48 at a scheduled hearing, the Board may issue a final order by default imposing discipline. If the
49 Board issues a final order by default, it designates its file on this matter as the record.

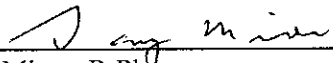
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51 **ANSWER REQUIRED**

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53 Pursuant to OAR 855-001-0010 and OAR 855-001-0015, if you request a hearing you
54 must also provide, within 21 days from the date this contested case notice was served, a written
55 answer to the allegations set forth in this contested case notice. Your written answer must
56 include an admission or denial of each factual matter alleged in the notice and a short and plain
57 statement of each relevant affirmative defense you may have. Except for good cause, factual
58 matters alleged in the notice and not denied in the answer shall be presumed admitted; failure to
59 raise a particular defense in the answer will be considered a waiver of such defense; new matters
60 alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
61 evidence shall not be taken on any issue not raised in the notice and the answer.

62
63 **Hearing Request and Answers:**
64 **Consequences of Failure to Answer**
65 **855-001-0015**

- 66 (1) A hearing request, and answer when required, shall be made in writing to the
67 Board by the party or his attorney and an answer shall include the following:
68 (a) An admission or denial of each factual matter alleged in the notice;
69 (b) A short and plain statement of each relevant affirmative defense the party
70 may have.
71
72 (2) Except for good cause;
73 (a) Factual matters alleged in the notice and not denied in the answer shall be
74 presumed admitted;
75 (b) Failure to raise a particular defense in the answer will be considered a
76 waiver of such defense;
77 (c) New matters alleged in the answer (affirmative defenses) shall be
78 presumed to be denied by the agency; and
79 (d) Evidence shall not be taken on any issue not raised in the notice and the
80 answer.

81
82 BOARD OF PHARMACY
83 FOR THE STATE OF OREGON

84
85
86 
87 _____
88 Gary Miner, R.Ph.,
89 Compliance Director

90
91 _____
Date 12/7/07

DATE OF MAILING 12/10/2007